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THE SLAVERY CONVENTION OF GENEVA SEPTEMBER 25, 1926

By

A. L. WARNSHUIS, JOSEPH P. CHAMBERLAIN
AND QUINCY WRIGHT

TEXT OF THE GENERAL ACT FOR THE REPRESSION
OF AFRICAN SLAVE TRADE,

JULY 2, 1890



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PREFACE

The following document upon the Slavery Convention of Geneva, September 1926, has been prepared especially for *International Conciliation* readers in the hope that it may throw light upon the discussion in the Senate which will probably take place during the present session as to the accession of the United States to the Convention. There are now forty states that have signed or acceded to this convention twelve of which have already ratified it.¹

The international effort to abolish the slave trade, first by sea, then by land, is a striking case of the interdependence of the nations in combating a social evil. This international evil could not be dealt with by the action of individual states; joint action of the Powers on the high seas and reciprocal agreements had to be negotiated to bring the more backward into line, and to enforce the policing of the seas against the traffickers in human flesh. As the Nineteenth Century progressed the states became more conscious of their interdependence, more willing to recognize their obligations to international society, and more accustomed to work as a unit so that at Brussels in 1890, all the great Powers and the small Powers affected united in a common agreement to prevent the trade by land and by sea.

The Brussels Convention does not go far enough to satisfy the present international conscience. This developing sense of justice is voiced in the Slavery Convention of 1926, which forbids the slave trade and the institution of slavery and forbids the new evil, forced labor for private purposes. The sense of justice of the American people expressed itself two generations ago in the Thirteenth Amendment, abolishing slavery and involuntary servitude. The Convention of 1926 internationalizes a principle already accepted by this country.

The United States is asked to join the other nations of the world in this effort to destroy utterly an ancient evil and to prevent any present-day substitute. It cannot refuse to do its share in this final effort.

NICHOLAS MURRAY BUTLER

New York, December 19, 1927.

¹ See p. 6.

STATES THAT SIGNED THE CONVENTION BY APRIL 1, 1927

Abyssinia	Esthonia	New Zealand
Albania	Finland	Norway
Australia	France	Panama
Austria	Germany	Persia
Belgium	Greece	Poland
British Empire	India	Portugal
Bulgaria	Italy	Roumania
Canada	Kingdom of the Serbs,	Spain
China	Croats and Slovenes	Sweden
Colombia	Latvia	Union of South
Cuba	Liberia	Africa
Czechoslovakia	Lithuania	Uruquay
Denmark	Netherlands	
		Total 36

STATES THAT HAVE ACCEDED TO THE CONVENTION

Haiti	Nicaragua	
Hungary	The Sudan	
		Total 4

STATES THAT HAVE RATIFIED THE CONVENTION

Australia	Denmark	Norway
Austria	India	Portugal
British Empire	Latvia	Spain
Bulgaria	New Zealand	Union of South
		Africa
		Total 12

(Belgium, France, Germany, Italy, and the Netherlands have signified their expectation of ratification. See Report of the Sixth Committee to the Assembly, A. 74,1927,VI.)

THE SLAVERY CONVENTION OF GENEVA SEPTEMBER 25, 1926

By

A. L. WARNSHUIS, Secretary of the International Missionary Council
and JOSEPH P. CHAMBERLAIN of Columbia University, with the
collaboration of QUINCY WRIGHT of the University of Chicago

Four centuries ago Europe began a career of conquest, development and trade in the new world of America. For the crime of bringing across the Atlantic millions of black slaves, the world has not yet ceased to pay. Great as that cost has already become, clearly recognized by the civilized Powers as a crime against humanity to be prevented by concerted action, slavery still persists in some places and more effective measures are required for its complete abolition.

Apart from slavery, properly so-called, and the slave trade, the happiness and freedom of the people and the ideals of good government are now threatened in a new way. Today another continent, Africa, is being opened and the labor of its native peoples is being unjustly exploited in many places. The type of the victim of the greed of plantation and mine owners is not the slave of the plantation in America and the West Indies; he is a person whose status is given a different name. The issue now is whether the native peoples be forced to work as the European wills, whatever the form in which such compulsion is disguised, or whether they be encouraged and helped to better themselves by the development of production without loss of freedom, and if they prefer wage labor, to ensure to them the right to sell their labor in the best market, under humane conditions, so that they may benefit, and not deteriorate under the guidance of their white employers. Said Judge Hughes writing the opinion of the Supreme Court of the United States in *Bailey v. Alabama*, 219 U. S. 219, 245: "There is no more important concern than to safeguard the freedom of labor upon which alone can enduring prosperity be based."

EARLIER TREATIES

Slavery became a matter of international concern by the condemnation of the slave trade in the Treaty of Vienna of 1815.¹ That dec-

¹ Hertslet, *A Map of Europe by Treaty*, vol. I, p. 60. Similar declaration at the Congress of Verona, 28 Nov., 1922, *id.*, p. 695.

laration of principle was followed by a series of conventions chiefly between Great Britain and individual governments which agreed mutually to put down the slave trade by sea. If the slave trade was to be effectively put down agreements between the Powers were necessary. The open sea is free for the passage of vessels of every nation and they cannot in times of peace be stopped by cruisers of another nation except by express agreement. Therefore, if one or two countries, like Great Britain and the United States, prohibited their subjects or ships flying their flags from engaging in the slave trade, the result would simply be to shift the trade to the ships and people of less scrupulous nations unless an international agreement completed the action of the individual governments. The United States recognized its international duty by Article 10 of the Treaty of Ghent restoring peace between the United States and Great Britain after the war of 1812, in which it was declared by both parties that the slave trade was "irreconcilable with the principles of humanity and justice," and therefore, the two governments agreed to use their best endeavors to promote its entire abolition.²

Notable is the treaty of 1841 between Great Britain, Prussia, Russia, and Austria, which bound the contracting Powers to prevent their subjects engaging in the trade, either as individuals, with their ships or their capital. Any ship which was engaged in the trade lost all right to the protection of her flag. Cruisers of one of the powers could search and bring in merchant ships of another for condemnation in the courts of the captor. Officers and men could be punished as pirates by the same courts.³

The United States and Great Britain, in the Webster-Ashburton Treaty of 1842, agreed to cooperate by each government keeping a squadron off the coast of Africa to carry out its laws against slave ships flying its flag,⁴ and in 1862 went a step further in allowing the cruisers of either country to search the merchant ships of the other. Mixed courts were established at which slavers could be condemned.⁵ The mixed courts were abolished by the Convention of June 3, 1870, which obliged the cruisers to bring suspected slavers in for condemnation to the courts of the country of the suspected vessel.

² Moore, *International Law Digest*, vol. 11, p. 918.

³ *Nouveau Recueil General des Traites*, vol. 2, p. 508.

⁴ *Treaties between the United States and Foreign Countries, 1776-1887*, p. 436.

⁵ *Treaties and Conventions between the United States and Foreign Powers, 1776-1887*, p. 472; also Malloy, 1, p. 693.

The trade was made a crime punishable as piracy, by the legislation of the different countries. The Constitution of the United States prevented Congress prohibiting the slave trade into the United States until 1808,⁶ but as early as 1794 an Act was passed forbidding American citizens or vessels from carrying slaves from the United States to foreign countries or from one foreign country to another.⁷ As early as the Constitution permitted this Act was extended by a statute of 1807, to make criminal bringing slaves into the United States,⁸ so that after 1808 no American vessel and no American citizen could lawfully engage in the slave trade. Although slavery was still continued by state law, the Act of 1807 set forth a principle that later appears in the Convention of Brussels of 1890 as an important means of discouraging bootlegging of slaves in violation of the law. "No person of color" imported into the United States after January 1, 1808 could be held by his master as a slave and must, at his request, be set free by the proper authorities. Congress went a long step further in 1820⁹ when it declared slave traders pirates in an act which still stands on the statute books, and in 1823 by a vote of 131 to 9, the House of Representatives requested the President to open negotiations to have slave trading assimilated to piracy. "Instructions in conformity with this resolution were given to the diplomatic representatives of the United States; and on March 13, 1824, a convention was signed at London which conceded a reciprocal right of search on the coasts of Africa, America, and the West Indies. The Senate of the United States, however, on May 21, 1824, by a vote of 36 to 2, struck out the word 'America,' and, the British government declining to accept the amendment, the treaty failed."¹⁰

It is noteworthy that international action was begun against the slave trade by sea but no engagement was taken by any government to abolish the institution of slavery or slave trading in its own territory.

A first step in this direction was taken by the General Act of Berlin, 1885, Article 9, which bound the signatory powers to suppress the slave trade by land and slavery itself within their territory in the Congo Basin. By 1890, the trade by sea over the Atlantic had almost disappeared so that in the Treaty of Brussels of that year measures

⁶ Art. I, section 9.

⁷ *Statutes at Large* I, p. 347 with note, amended in 1800; *Statutes at Large* II, p. 70.

⁸ *Statutes at Large*, II, p. 426.

⁹ *Criminal Code*, section 246, *Code of Laws of U. S.*, Title 18, section 421.

¹⁰ Moore's *Principles of American Diplomacy*, p. 117.

against the slave trade by sea were limited to a zone on the east coast of Africa whence native boats still carried human freight to Arabia and the Persian Gulf. In this treaty the provisions of the General Act of Berlin against the slave trade by land in Africa were made definite, the powers holding colonies in Africa agreed to stop slave trading within their territories and to cooperate with their neighbors in making easy the pursuit of slavers. Turkey and Persia joined the European powers and agreed that slaves carried to their ports should be freed. The United States is a party to the Convention of Brussels which is still in force.¹¹

With the increasing settlement and colonization of Africa, slave raiding and slave trading have assumed a minor importance, and at last by 1919 the international conscience was aroused to attempt action against the institution of slavery itself. It took one hundred and four years from 1815, when the slave trade was internationally condemned, to bring the nations to draft a treaty condemning the institution of slavery. In the Treaty of St. Germain, September 1919, which the United States signed but which has not yet been presented to the Senate for ratification, it was agreed in Article 11, that each Power "will endeavor to secure the complete suppression of slavery in all its forms and of the slave trade by land and sea."¹² This article came very close to an international adoption of the principle of the Thirteenth Amendment to the Constitution of the United States. That Treaty has been ratified by only five Powers, and cannot be considered a satisfactory settlement, for the investigations of recent years have revealed other forms of involuntary servitude equally as obnoxious as slavery to modern civilization and that call urgently for more effective agreements for their abolition.

THE TEMPORARY SLAVERY COMMISSION

The question of slavery was raised in the Third Assembly of the League of Nations (1922) with special reference to Abyssinia. A recommendation was adopted by that Assembly that a report on the question of slavery should be presented to the Fourth Assembly. Information on the subject was subsequently secured from various governments, and communicated to the Members of the League in the document, A. 18, 1923, VI.

¹¹ *Treaty of Brussels*, July 21, 1890, Malloy, *Treaties and Conventions of the United States*, vol. 11, p. 1964.

¹² *Treaty of St. Germain*, Sept. 10, 1919, *Treaties between the United States and other Powers*, vol. 111, p. 3739.

Thereupon, by resolutions of the Council of the League, taken on March 14, and June 12, 1924, a temporary commission of authorities in this field was constituted. This body, known as the Temporary Slavery Commission, met at Geneva, July 9, 12, 1924 (see Minutes A. 18, 1924, VI). The instructions given to it by the Council in the resolution of March 14, 1924, were "to continue temporarily the enquiry on slavery and to communicate to the Council their conclusions on this subject." It developed that the members of the Commission were all somewhat uncertain as to the exact nature and limits of their task. The Commission accordingly concluded that its first business should be to submit to the Council a summary of the various aspects of the question which might be included in the phrase "slavery in all its forms," used in the Convention of St. Germain. In its report to the Council, A. 17, 1924, VI, it submitted the following syllabus of the matters to be considered by the Commission:

1. (a) Enslaving of persons; slave raiding and the slave trade;
 (b) Slave dealing (including transfer by exchange, sale, gift or inheritance);
 (c) Slavery or serfdom (domestic or predial).
2. Practices restrictive of the liberty of the person, or tending to acquire control of the person in conditions analogous to slavery, as for example:
 - (a) Acquisition of girls by purchase disguised as payment of dowry, it being understood that this does not refer to normal marriage customs;
 - (b) Adoption of children, of either sex, with a view to their virtual enslavement or the ultimate disposal of their persons;
 - (c) All forms of pledging or reducing to servitude of persons for debt or other reason.
3. Measures taken to check practices under 1 and 2 and results obtained.
4. System of compulsory labor, public, or private, paid or unpaid.
5. Measures taken or contemplated to facilitate the transition from service or compulsory labor to free wage labor or independent production.

With reference to the important task of collecting as much reliable and practical information as possible on the subjects included in the syllabus, the Commission proposed in the same report to obtain its information from official reports and statements furnished by the

governments and also from individuals or organizations whose competence and reliability were duly established. This program and these methods of work were approved by the Assembly in 1924.

A memorandum by the Secretary-General, A. 25, 1924, VI, contains replies made by various governments to the inquiries made in accordance to instructions of the Council of the League. These replies supplement those contained in the earlier report, A. 18, 1923, VI. In this memorandum the United States is included in the list of governments who replied that "they have no useful information to communicate, or that slavery does not exist in the territories under their sovereignty." These two documents contain the official statements of the governments regarding the question of slavery in their territories, which were considered by the Temporary Slavery Commission. They were for the most part of very little use, and no replies were received from those Moslem States regarding which information was most desired, e. g., Turkey, Afghanistan, Persia, Egypt, and the Hedjaz. A memorandum on Abyssinia was submitted by the French Government.

The Commission met in Geneva for its Second Session from July 13 to 25, 1925. The meeting of the Commission followed immediately on that of the Mandates Commission of the League of Nations, on which three of its members had been engaged. It sat continuously till July 25, when it had to close in order that its report might be printed in time for the Council in September. It did not have time to deal fully with the memorials from non-government sources.

Its final report, A. 19, 1925, VI, deals seriatim with the subjects which appear in the program set up in the Commission's earlier report. The scope and urgency of the problem are clearly described in the report, which shows conclusively that there are very many evils in connection with Slavery, the Slave Trade, and Forced Labor in existence at the present time which require international agreement. For example, it is shown that there are no fewer than nineteen areas in Europe, Asia, and Africa in which slave raiding, slave trading, and slave markets still exist. It appears also that the more insidious forms of slavery, such as so-called adoption, debt-slavery, and concubinage as well as forced labor are unfortunately prevalent in a very large part of the world and to a very great extent.

THE DRAFTING OF A PROPOSED CONVENTION

The Temporary Slavery Commission, on the recommendation of a majority of its members, proposed that a new international convention on slavery should be concluded, to which all states, whether members of the League or not, should be invited to subscribe, setting forth the minimum standard that a majority of governments would accept and apply. It was suggested that this new Convention might deal not only with slavery but also with systems of forced labor analogous to slavery.

The Commission's report was considered by the Council and the Assembly of the League of Nations in September 1925, when a resolution was passed adopting a Draft Convention. This Convention was forwarded to all States, Members of the League, and also to the United States of America and other governments, with the invitation to each to forward to the Secretary-General not later than June 1, 1926, any observations they might desire to make regarding the provisions of this Draft Convention. These observations (A10 and A10 (b) 1926, VI) including a brief statement from the United States Government that it did not choose to make any observation, (see Appendix III) were considered by the Council of the League in July 1926, which then referred the Draft Convention, with such observations as had been received, to the Assembly.

In its session of September 1926, the Assembly approved a revised form of the Convention, which was signed on September 25, 1926, by the delegates of twenty-five States, the delegates of the British Empire, India, and Persia signed with certain reservations, the Assembly at the same time adopted three other resolutions relating to slavery and forced labor, to which reference will also be made in the following pages.

By the terms of article XI of the Convention, it remained open for signature by the States, Members of the League of Nations, until April, 1927, and on that date eleven more States had added their signatures, making a total of thirty-six signatures. Subsequent to that date, and in accordance with the terms of the same article, the Secretary-General of the League brought the Convention to the notice of the States that had not signed it, including States which are not Members of the League of Nations, and invited them to accede thereto. In September, 1927, it was announced that the governments

of Haiti, Hungary, and the Sudan had acceded to the Convention, that twelve other governments had ratified it, and that Belgium, France, Germany, Italy, and the Netherlands hoped to ratify the Convention in the near future. In a communication, dated Geneva, May 19, 1927, the text of this Slavery Convention was sent officially by the Secretary-General to the Government of the United States of America, who also offered the services of the Secretariat in connection with the necessary formalities of the deposit of its act of accession in case that Government decided to take that step.

THE SLAVERY CONVENTION

The text of the Slavery Convention, Geneva, September 25, 1926, with the names of the delegates of the Signatory States as on April 1, 1927, has been published in a document of the League of Nations.¹³ Its text is quoted in the following paragraphs.

Preamble

Albania, Germany, Austria, Belgium, the British Empire, Canada, the Commonwealth of Australia, the Union of South Africa, the Dominion of New Zealand, and India, Bulgaria, China, Colombia, Cuba, Denmark, Spain, Esthonia, Abyssinia, Finland, France, Greece, Italy, Latvia, Liberia, Lithuania, Norway, Panama, the Netherlands, Persia, Poland, Portugal, Roumania, the Kingdom of the Serbs, Croats and Slovenes, Sweden, Czecho-Slovakia, and Uruguay.

Whereas the signatories of the Convention of Saint-Germain-en-Laye of 1919 to revise the General Act of Berlin of 1885 and the General Act and Declaration of Brussels of 1890 affirmed their intention of securing the complete suppression of slavery in all its forms and of the slave trade by land and sea;

Taking into consideration the report of the Temporary Slavery Commission appointed by the Council of the League of Nations on June 12, 1924;

Desiring to complete and extend the work accomplished under the Brussels Act and to find a means of giving practical effect throughout the world to such intentions as were expressed in regard to slave trade and slavery by the signatories of the Convention of Saint-Germain-en-Laye, and recognizing that it is necessary to conclude to that end more detailed arrangements than are contained in that Convention;

Considering moreover, that it is necessary to prevent forced

¹³ C. 210, M. 83, 1927, VI., also in Great Britain, *Treaty Series*, No. 16, 1927.

labor from developing into conditions analogous to slavery;
Have decided to conclude a Convention and have accordingly appointed as their Plenipotentiaries:

(Here follow their names)

Who, having communicated their full powers, have agreed as follows:—

Article 1

For the purpose of the present Convention, the following definitions are agreed upon:

(1) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

(2) The slave trade includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

In considering the definition of slavery, it will be important to note the following statement made in the report to the Assembly (A. 104, 1926, VI). In his commentary on Article 2 of this Convention, the rapporteur said that reference to domestic slavery and similar conditions was omitted "because it was believed that such conditions came within the definition of slavery contained in the first article and that no further prohibition of them in express terms was necessary. This applies not only to domestic slavery but to all those conditions mentioned by the Temporary Slavery Commission, and to which I referred last year, i. e., 'debt slavery,' the enslaving of persons disguised as payment of dowry, etc. Even if these last practices do not come under the definition of slavery as it is given in Article 1, the Commission is unanimously of the opinion that they must be combated. In a more general way, it interprets Article 2 as tending to bring about the disappearance from written legislation or from the customs of the country of everything which admits the maintenance by a private individual of rights over another person of the same nature as the rights which an individual can have over things."

Article 2

The high contracting parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction,

protection, suzerainty or tutelage, so far as they have not already taken the necessary steps:

- (a) To prevent and suppress the slave trade.
- (b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

The proposal to abolish slavery "progressively" is an expression of the opinion that the abolition of slavery can be successfully brought about only with due regard to the maintenance of order and the well-being of the peoples concerned.

Various suggestions have been made for the purpose of alleviating the hardships which might result in the transition period, particularly those of the individuals whose condition it is sought to benefit. Admirable as these suggestions are, it was found difficult to include them in the Convention. They will require considerable safeguards against abuse and belong rather to the sphere of national than international action.

Article 3

The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

The High Contracting Parties undertake to negotiate as soon as possible a general convention with regard to the slave trade which will give them rights and impose upon them duties of the same nature as those provided for in the Convention of the 17th June, 1925, relative to the International Trade in Arms (Articles 12, 20, 21, 22, 23, 24, and paragraphs 3, 4 and 5 of Section 11 of Annex 11), with the necessary adaptations, it being understood that this general convention will not place the ships (even of small tonnage) of any High Contracting Parties in a position different from that of the other High Contracting Parties.

It is also understood that, before or after the coming into force of this general convention, the High Contracting Parties are entirely free to conclude between themselves, without, however, derogating from the principles laid down in the preceding paragraph, such special agreements as, by reason of their peculiar situation, might appear to be suitable in order to bring about as soon as possible the complete disappearance of the slave trade.

The "transport of slaves" must include transport of any persons with a view to their becoming slaves.

This clause, so far as it relates to the sea, raises the question of Right of Search, condemnation of vessels, etc. These matters are dealt with in the Brussels Act, and it is important to observe that such clauses of the Brussels Act as are not obsolete are still binding upon the Signatories of that Act.

It was proposed by some that the transport of slaves by sea should be treated in this Convention as piracy. Serious difficulties arose as regards the application in law of that proposal, and it was finally decided only to refer to certain provisions in the Arms Traffic Convention, giving greater elasticity as to the final arrangements to be made, and providing for the absolute equality of the Signatory States.

Attention may well be drawn to the third paragraph of Article 3, which provides for the conclusion of special agreements between the Signatory Powers. These agreements enable the parties concerned to make arrangements of greater stringency and stipulations better suited to local conditions than are possible in a general international convention. The slave trade probably does not now exist on the high seas, except the Red Sea and the Indian Ocean, but it is conceivable, e. g., from Mediterranean ports. It is to be hoped that no technical or legal difficulties may be permitted to delay the speedy conclusion of practical agreements between the Powers having jurisdiction over the territorial waters where the slave trade still exists.

Article 4

The High Contracting Parties shall give to one another every assistance with the object of securing the abolition of slavery and the slave trade.

It has been pointed out that mutual assistance might be given in particular by arrangements for the right of pursuit across inland frontiers, a point treated in the Report of the Temporary Slavery Commission. Again, the hope may be expressed that such arrangements will be concluded by the States concerned, particularly those situated in or having possessions in Africa, Arabia, or Asia.

The right of asylum (*droit d'asile*) is very important. By the Ottoman Constitution of 1908 the status of slavery ceased to exist in countries subject to Turkey, and by virtue of Article 71 of the Brussels Act, to which Turkey is a signatory—the diplomatic and consular agents of Great Britain and France at Jeddah and elsewhere granted asylum to fugitive slaves, and applied to the local

authorities to see that they were duly liberated. As many as thirty to forty a month were thus freed. After the war, in the territories liberated from Turkish rule the consular agents have not been permitted to exercise this right even in the case of the enslavement or detention in slavery of persons who were subjects or protected by some of the European Powers. By a treaty signed at Jeddah on May 20, 1927, between Great Britain and the King of the Hedjaz and of Nejd, the King undertakes to cooperate by all means at his disposal with the British Government in the suppression of the slave trade, and at the same time the British Government maintained the right of manumitting slaves, which enables a British consul to liberate any slave who presents himself of his own free choice with a request for liberation and repatriation to his country of origin.¹⁴ It will be desirable for the States to assist one another to secure the abolition of slavery by instructing their respective consular officers to collaborate closely with a view to liberating and repatriating slaves when and wherever possible.

Article 5

The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery.

It is agreed that:

(1) Subject to the transitional provisions laid down in paragraph (2) below, compulsory or forced labour may only be exacted for public purposes.

(2) In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavour progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labour exists, this labour shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence.

(3) In all cases, the responsibility for any recourse to compulsory or forced labour shall rest with the competent central authorities of the territory concerned.

This article is much stronger than that contained on the subject of forced labor in the Draft Convention. The commentary on this

¹⁴ *Great Britain Treaty Series*, No. 25, 1927.

article made by the rapporteur when presenting this Convention to the Assembly is important. It is as follows:

In drafting this Article, the Committee confronted perhaps the most difficult of the problems before it. After much consideration, the present drafting was finally agreed. It represents a definite attempt to deal with the question of forced labour in a general international agreement. This alone marks progress of considerable importance.

The Committee was very anxious to put into the Convention all the provisions necessary to prevent forced labour giving rise to conditions analogous to slavery. With this object in view, it has agreed that forced labour should only be resorted to for public purposes, apart from purely transitory arrangements designed for the progressive abolition of forced labour for private purposes both just and practicable. In this connection it will be observed that stringent conditions are imposed on forced labour for private purposes even during the transitory period. Among these conditions is the requirement that adequate remuneration should be paid to those subjected to forced labour. In the case of forced labour for public purposes, this condition is not repeated. This omission has been made because there are cases where forced labour for public purposes is not remunerated in the ordinary sense of that word. For instance, in certain countries labour for public purposes is accepted instead of taxes. There are also exceptional cases in which it could scarcely be said that compulsory labour for public purposes is, strictly speaking, remunerated. But though the requirement that adequate remuneration should be paid for forced labour for public purposes is not included in the Convention, the Committee is strongly of opinion that such remuneration should as a general rule be paid. It is also of opinion that forced labour, even for public purposes, should not as a general rule be resorted to unless voluntary labour is unobtainable. It, therefore, suggests that the Assembly should pass a resolution to this effect. (A, 104, 1926, VI.)

The following two resolutions adopted by the Assembly should be noted:

II. The Assembly:

While recognizing that forced labour for public purposes is sometimes necessary, is of the opinion that, as a general rule, it should not be resorted to unless it is impossible to obtain voluntary labour and should receive adequate remuneration.

IV. The Assembly:

Taking note of the work undertaken by the International

Labour Office in conformity with the mission entrusted to it and within the limits of its constitution;

Considering that these studies naturally include the problem of forced labour;

Requests the Council to inform the Governing Body of the International Labour Office of the adoption of the Slavery Convention, and to draw its attention to the importance of the work undertaken by the Office with a view to studying the best means of preventing forced or compulsory labour from developing into conditions analogous to slavery.

The International Labor Organization has acted upon this proposal by appointing a Commission of Experts, which gives assurance that the most careful preparatory work will be done in order to arrive at international decisions on this question.

Therefore, although this Article 5 does not fully satisfy all that it was hoped might be provided for in this Convention, it is probably necessary to recognize that it is all that could be achieved at this time. For the present, it seems desirable to accept the article as it stands, dealing as it does with some broad principles. For further progress, support should be given in every possible way to the work now undertaken by the International Labor Organization in the hope that further advance steps may be taken as a result of the investigation and recommendations of that Organization and its Commission.

Article 6

Those of the High Contracting Parties whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present convention undertake to adopt the necessary measures in order that severe penalties may be imposed in respect of such infractions.

The desirability of attaching severe penalties to the legislation against the slave trade is too evident to need comment. The adoption of such legislation is an obligation resulting automatically from the ratification and coming into force of the Convention. Attention must therefore be given to constitutional questions and the limitations of treaty-making powers in enacting legislation that will be applied not only in the United States but also in the Philippine Islands and other possessions. This is discussed in a subsequent section of this memorandum.

Article 7

The High Contracting Parties undertake to communicate to each other and to the Secretary-General of the League of Nations any laws and regulations which they may enact with a view to the application of the provisions of the present convention.

This article is supplemented by another resolution adopted by the Assembly, which reads as follows:

III. The Assembly:

Desires that the League of Nations should continue to interest itself in securing the progressive abolition of slavery and conditions analogous thereto and therefore begs that the Council will prepare and communicate to the Assembly every year a document mentioning the laws and regulations which parties to the Convention on Slavery, in accordance with Article 7, will have communicated to the Secretary-General, and that the Council will include therein any supplementary information which the Members of the League may be disposed spontaneously to furnish with regard to the measures taken by them to this end.

It seems important that some provision for a central office should be made, just as in the Brussels Convention the Government of Belgium was originally designated for that purpose. In view of all the circumstances, it seems advisable that the League of Nations should be so designated in this Convention. By the terms of the Resolution quoted above, the Council of the League will publish annually such information concerning the state of affairs in relation to slavery and forced labor as the Signatory States "may be disposed spontaneously to furnish," and it therefore appears that this provision is unobjectionable and highly desirable. A few reports such as this article calls for, were presented by the Council to the Assembly in September, 1927.

Article 8

The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the States parties to such a dispute should not be parties to the Protocol of the 16th December, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the parties and in accordance with the constitutional

procedure of each State, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes, or to some other court of arbitration.

Article 9

At the time of signature or of ratification or of accession, any High Contracting Party may declare that its acceptance of the present convention does not bind some or all of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage in respect of all or any provisions of the convention; it may subsequently accede separately on behalf of any one of them or in respect of any provision to which any one of them is not a party.

Article 10

In the event of a High Contracting Party wishing to denounce the present Convention, the denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will at once communicate a certified true copy of the notification to all the other High Contracting Parties, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying State, and one year after the notification has reached the Secretary-General of the League of Nations.

Denunciation may also be made separately in respect of any territory placed under its sovereignty, jurisdiction, protection, suzerainty, or tutelage.

Article 11

The present Convention, which will bear this day's date and of which the French and English texts are both authentic, will remain open for signature by the States members of the League of Nations until the 1st April, 1927.

The Secretary-General of the League of Nations will subsequently bring the present Convention to the notice of States which have not signed it, including States which are not members of the League of Nations, and invite them to accede thereto.

A State desiring to accede to the Convention shall notify its intention in writing to the Secretary-General of the League of Nations and transmit to him the instrument of accession, which shall be deposited in the archives of the League.

The Secretary-General shall immediately transmit to all the other High Contracting Parties a certified true copy of the

notification and of the instrument of accession, informing them of the date on which he received them.

Article 12

The present Convention will be ratified and the instruments of ratification shall be deposited in the office of the Secretary-General of the League of Nations. The Secretary-General will inform all the High Contracting Parties of such deposit.

The Convention will come into operation for each State on the date of the deposit of its ratification or of its accession.

These articles are of the same nature as have been inserted in several other recent international conventions, and do not appear to call for any comment.

On the Convention as a whole, while it will appear to many that it might have been improved in several places, it is also quite clear that it is about all that could be achieved at the present time.

APPLICATION OF THE CONVENTION TO THE UNITED STATES AND THEIR POSSESSIONS

Articles 1, 2, 3.

Slavery and involuntary servitude were made a federal concern by the Thirteenth Amendment to the Constitution of the United States which reads:

Section 1. Neither Slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

The policy of this country is fully in accord with that of the proposed convention so that in ratifying it the United States would be doing no more than approving the application of an American principle on a world-wide scale. The Thirteenth Amendment has been liberally construed by the Courts of the United States. It has been held to have freed the slaves of a self-governing Indian tribe without supplementary legislation¹⁵ and to have prohibited slavery in Alaska under the custom of a native tribe.¹⁶

The expression in the Convention, "compulsory or forced labour," is included in the term "involuntary servitude" of the Thirteenth

¹⁵ *U. S. v. Choctaw Nation*, 38 Ct. of Claims Rep. 556.

¹⁶ *Re Sah Quah*, 31 Fed. 327.

Amendment, as interpreted by the Courts. "The State may impose involuntary servitude as a punishment for crime, but it may not compel one man to labor for another in payment of a debt, by punishing him as a criminal if he does not perform the service or pay the debt."¹⁷ The Constitution has abolished slavery and peonage as an institution of American law. One human being can no longer be compelled against his will to work for another, but the Constitution did not make it a crime for one man to try to compel another to work for him. It freed the slaves, it did not punish the slave holder.¹⁸ This duty devolved on Congress, and Congress has carried it out. Not only is holding or attempting to hold a person as a slave made a crime, but the same criminal penalty is extended to peonage by Sections 268-271 of the Criminal Code of the United States.¹⁹ Thus forced labor is forbidden by law in the United States.

The exception in Article 5 permitting forced labor for public purposes has an American precedent and would cover compulsory labor on the public roads as permitted in this country. Persons may also be compelled to fight fire and repair levees where there is an immediate need. The Supreme Court has declared "the Thirteenth Amendment certainly was not intended to interdict enforcement of those duties which individuals owe to the State," in cases where ancient custom authorized such employment.²⁰ Another case in which a person can be forced to labor without his consent was also held on the ground of an ancient custom not within the Amendment when the Court decided that a seaman could be compelled to complete a voyage under his contract.²¹ Forced labor by prisoners as a punishment for crime is clearly not within the language of the Convention.

Subd. 3. Who are the central authorities of the territory concerned? The Colonial authorities in British Crown colonies have no international standing and can only be reached internationally through the Colonial Office in London. The Colonial Office must, therefore, be internationally responsible for the acts of the Central authorities of a crown colony. The same rule will probably hold in respect to a Colony of France or Portugal. The self-governing dominions of the British Empire and India have international standing

¹⁷ *Tyler v. Heiden*, 46 *Barb* (N. Y.) 458.

¹⁸ *U. S. v. Cabanag*, 8 *Phil. Rep.* 64.

¹⁹ *Laws of the United States*, Title 18, Sections 443-446.

²⁰ *Butler v. Perry*, 240 *U. S.* 281.

²¹ *Robertson v. Baldwin*, 165 *U. S.* 275. Congress has changed this rule by the La-Follette Act, 38 *Statutes at Large*, 1166.

sufficient to make their governments responsible as "central authorities" under this Convention.

Under the Convention the question would arise in respect to the Philippines as to whether the "competent central authority" of the territory concerned would be the Philippine Government. Under the Jones Act, the charter of the Philippine Government,²² the legislative power over the Islands is vested in the Legislature subject to the veto of the Governor. The administration of the law is then carried out under the Governor-General and his Council, especially in the lower courts, which are the most important in cases of peonage, by the Philippine government which is largely officered by Philippine judges, who are also mostly natives of the Islands. So that the primary responsibility of enforcing the laws passed to carry out the Convention, would rest on the Island Government and principally on native Filipinos. This would not be a new responsibility. The Jones Act now provides for the abolition of slavery in the Islands and adds "nor shall involuntary servitude exist therein, except as a punishment for crime, whereof the party shall have been duly convicted." Consequently the Philippine Government is thus now under a duty to take any measures necessary to put the Convention into force in the Islands.

Articles 7, 10, 11, 12.

These articles make the Secretary-General the means of communication between the contracting parties and make his office the Registration Bureau for accessions to the covenant and instruments of ratification. The Secretary-General under this Convention acts in a purely ministerial capacity with no discretionary power. In the case of multilateral treaties, such as this Convention, which are open to the accession of other Powers, it is evident that there must be some central office to which accessions can be notified and which will then communicate the fact of accessions to the Contracting Parties. Otherwise, it would be necessary for each State desiring to adhere to notify separately each signatory government. Furthermore, in case of such conventions, which require the large number of countries which are parties to keep one another informed of the legislation and administrative regulations which constitute the execution of the contract, it is a manifest convenience to establish a central office to which information is sent and which will then

²² 39 *Statutes at Large*, 545.

distribute it. Before the League Secretariat was set up at Geneva, it was customary to select one of its signatory governments to perform this function. For example, the Belgian Government was selected for notifications in the Convention of 1890. The office of the Secretary-General at Geneva is convenient both as a registry of ratification and accessions to multilateral treaties, and as a means of centralizing and circulating information. There seems to be no valid reason why the United States and other contracting countries should not make use of this international agency for these purposes instead of burdening the foreign office of a single government, and it certainly could not be argued that doing so constituted a step towards entry into the League.

GENERAL OBSERVATIONS

The development of an international conscience is shown very clearly in the history of international action against slavery. The earlier record has been referred to on preceding pages. The present Convention is a long step forward from the Brussels Convention which prohibited only the slave trade. This Convention strikes at the root of the evil and contains an agreement by the Powers to take action within their own boundaries and to limit the right of their own citizens to hold slaves; and, furthermore, to take all necessary measures to prevent compulsory or forced labor from developing into conditions analogous to slavery. (Article 5.) From international condemnation of the traffic, we have passed to international condemnation of the institution. That which was attempted with partial success in 1919 is now being carried forward to complete achievement.

The policy of our government with reference to such proposals as this which issue from the League of Nations was well stated in the Speech of the Hon. Charles E. Hughes delivered at the New York Republican State Convention, April 15, 1924, when he said:—

There is no more difficulty in dealing with the organization of the League in this way for the purpose of protecting our interests or furthering our policies than there would be in dealing with the British Empire. Because several nations have formed an organization of which we are not a part is no reason why we cannot cooperate in all matters affecting our proper concern. We simply adjust our forms of contact and negotiations to the existing conditions. The matter of real importance is

with respect to the subjects that we take up. We do not take up subjects which would draw us into matters not approved by American sentiment.. When we do take up a subject it is because this government desires it to be taken up, and the same would be true under any form of action.

The same position was taken by Secretary Kellogg in an address before the Council on Foreign Relations in New York on December 14, 1925:—

The United States has always been willing to attend these conferences and to aid in every way possible in the establishment of principles for the advancement of science, of trade and commerce, for the amelioration of the horrors of war, the settlement of the principles of international law, the prevention of disease, and the aiding of agricultural and other activities which are the subject of international consideration.

The United States of America, though not a colonizing power, and having no governmental responsibilities in Africa, must be interested in this question concerning, as it does, the welfare of a large portion of mankind, including some in its own possessions. The history of our country, the responsibility resting upon us because of our place in the world, our trade in tropical areas, and various other considerations insistently urge that every possible and legitimate assistance be given to obtain international agreements that will effectively protect men and women everywhere from the abusive exploitations of their labor. It would seem, therefore, not only natural but of the greatest importance that the United States Government should cooperate to the fullest possible extent in this new effort to adopt a new international convention, which (as its exponent claimed for it) "Will constitute one of the greatest advances towards human freedom which has ever been made . . . and will free tens or hundreds of thousands of unhappy beings from conditions which closely resemble slavery, and which now exist, and will be of untold advantage to humanity in general."

APPENDIX I. STUDY OF QUESTIONS RELATING TO NATIVE LABOR BY THE INTERNATIONAL LABOR ORGANIZATION

The International Labour Office is called upon to study native labour questions, in the first place in connection with the conditions of application of Conventions, by countries which have ratified them, to their colonies, protectorates and possessions which are not fully self-governing in virtue of Article 421 of the Treaty of Versailles, and, in the second place in connection with conditions of labour in mandated territories. Moreover, the Governing Body, at the sessions of July, 1922, specially considered the need for collecting and making available informations on native labour questions, and intrusted this task to the Diplomatic Division of the Office as the service concerned with the application of Article 421 and labour questions in countries under mandate.

Since that time, the information collected, the experience gained in connection with the work of the representative of the International Labour Organization on the Permanent Mandates Commission and on the Temporary Slavery Commission, and, finally, the decisions of the Sixth Assembly of the League of Nations thereon, combined to make it appear that the time was ripe for considering whether certain of the more serious problems of native labour should not be dealt with by the International Labour Conference.

At its session in May, 1926, after the resolution of the Sixth Assembly of the League of Nations quoted on pages 19-20, the Governing Body of the International Labour Office received proposals submitted to it by the Director for the appointment of a Commission to undertake an inquiry relating to native labor. The following quotations from this memorandum outline the purpose and character of the inquiry:

The views of the Office on the possibility of international action in regard to native labour are set forth below. The programme is, of course, a provisional one only. It has not yet been possible to secure the opinion of experts in the matter, except such individuals as may have been brought personally into contact with the representative of the Office on the Mandates and Slavery Commissions; with regard to these it is believed that their opinion would be favorable to the line of procedure indicated. Nevertheless the Office considers that much would be gained by an immediate convocation of the consultative body contemplated. It would be asked to state its opinion on the matters set out below and thus to lay the foundations of the work in this sphere which the Organization is called upon to take.

Its function, as the Office conceives it, would not end there. The members it is felt, could be further consulted on special points which may arise in the course of the studies and investigations undertaken by the Office. In all probability it would be possible to carry on this consultation, after a first preliminary meeting, by correspondence, and further meetings would only be held if they were required by circumstances.

If then the Governing Body approves this projected course of action, the Director proposes to proceed at once, within the limits which may prove to be permissible under the present financial circumstances, to a consultation of experts on the matters set out below, and on the general policy as to international action in regard to the problems of labour now under consideration.

Demand for international action concerning native labour¹ takes two principal forms. On the one hand the necessity has frequently been urged (e. g. at the Permanent Mandates Commission, the Temporary Slavery Commission, the Assembly and the Commissions of the League, and by various humanitarian societies) for the formulation of what is described as a Charter of Native Labour, intended to lay down by international agreement the minimum standards of labour conditions which should be generally adopted. On the other hand problems which have attracted much study and attention, particularly by the Slavery and Mandates Commissions, and the Assembly of 1925 are those of forced labour and indentured labour.

With regard to the first of these subjects, the formulation of a "Charter of Native Labor," the Office is of opinion that it is a mistake to suppose that any relatively simple document to which the name Charter could be applied would meet the position of today. The employment of native populations in the service of others has now become so widespread and important, the divergencies of conditions and method are so great, that it seems impossible to hope for the early adoption, in a single document, of what would be in effect a labour code intended to be applicable under widely differing circumstances.

The Office believes that the prospect of international agreement, and therefore of effective success, in this domain is far greater if the procedure adopted be one comparable to that adopted in regard to labour legislation in general; that is, the Office considers that the Organization should examine from time to time particular questions connected with native labour with a view to the adoption of Conventions by the Conference.

The Office considers further that the work might with advantage be begun at the point where humanitarian interest dictates action most urgently, namely with these forms of labour which still retain servile elements, in particular with forced or compulsory labour and with indentured labour. It is the case, moreover, that these forms, being peculiarly liable to abuse, have been the subject of legislation and of treaties in almost all the areas where they are found; there is consequently a greater body of material available upon which international agreement might be based.

FORCED OR COMPULSORY LABOUR

Certain general principles concerning forced or compulsory labour have received international sanction, in the texts of the "B" and "C" Mandates adopted by the Principal Allied Powers and approved by the Council of the League of Nations, in the Report of the Temporary

¹ The term "Native Labor" is here used as a convenient expression to denote the labor of peoples who are not yet considered capable of taking an effective part in the administration and of directly affecting the legislation of the country in which they live, and who, therefore, when they work in the service of others, perform their labor under conditions over which they have no control and in the determining of which they have no direct voice.

Slavery Commission, and in the Draft Convention on Slavery adopted by the Sixth Assembly and now under consideration by the governments.

These principles, however, concern only the circumstances under which it was thought permissible to have recourse to forced labour: neither the Temporary Slavery Commission nor the Assembly of the League considered detailed regulations in regard to forced labour, on the express ground that the International Labor Organization is specially competent in this respect.

The Office has already, in the course of its study of the conditions of native labour and in furtherance of its duties in connection with the Mandates and Slavery Commissions, made a detailed examination of much existing legislation on forced labour, and is of opinion that international agreement concerning the regulations that should govern the application of forced labour for public purposes, so long as such labour is considered admissible, appears to be possible and is desirable.

The questions to be dealt with in this connection may be grouped conveniently as follows:

GENERAL PRESCRIPTIONS

- (1) The authorities empowered to exact forced labour and the administrative machinery employed.
- (2) The nature of the public works and services for which recourse to forced labour is permissible.
- (3) The categories of natives liable to forced labour (exemption of the unfit, aged, women, children, etc.).
- (4) The possibility of commutation of forced labour by payments.

LIMITATIONS

- (1) as to the duration of the labour imposed.
- (2) as to the distance to which a forced labourer may be transferred (climatic differences being taken into account).
- (3) as to the proportion of forced labourers which may be taken from a given community.

REGULATIONS GOVERNING THE CONDITIONS OF FORCED LABOUR

- (1) Payment, including method of payment.
- (2) Hours of labour.
- (3) Medical care; sanitation; accommodation.
- (4) Indemnity for sickness, accident or death.
- (5) Food supply.
- (6) Transport of workers and travelling allowances.

It will be noted that no mention is here made of forced labour for private employers. Such labour is not admissible under the Mandates system, and in the Draft Convention on Slavery, as has been said, though admitted it is regarded as a form of labour which should be abolished. The Office believes that the Conference would be unlikely to consider this form of labour except with a desire to put an immediate end to it; no proposals are therefore made for considering its regulation.

INDENTURED OR CONTRACT LABOUR

In this connection, there exists, so far as the Office is aware, no general international convention. There are, however, a number of particular treaties and agreements for the protection of indentured workers and a considerable legislation governing the terms of contracts. The points which might be studied by the Office in this connection would appear to be the following:

RECRUITMENT OF WORKERS UNDER CONTRACT

Provisions to secure the freedom of the worker in making the contract, his understanding of its terms and his physical fitness for the work.

The question of workers being accompanied by their wives; the indenturing of women workers.

THE CONTRACT

Clauses to be inserted in all contracts, indicating

- (a) the period of the engagement, and the condition under which it may be prolonged.
- (b) the place where the work is to be carried out and the arrangements made for the transport of the worker to and from it, and for his maintenance during the voyages.
- (c) wages and the method of payment.
- (d) the supply of tools, food, clothing, and housing accommodation.
- (e) medical attention.
- (f) compensation in case of sickness, accident or death, including the repatriation of the unfit by reason of sickness or accident.
- (g) provisions in case of breach of contract by either party to it, including the question of penal sanctions (i. e. the considering of breach of contract on the part of the worker as a criminal offense).

PROTECTION OF THE WORKER UNDER CONTRACT

Creation of an authority charged with the special duty of supervising contracts and their application, and of acting as protector of the contracted workers; when the latter are not employed in their own country, participation of their home authorities in this supervision and protection.

GENERAL INDUSTRIAL CONDITIONS

The two former questions deal with conditions peculiar to the employment of native labour and hence not yet treated in any way in the Conventions and recommendations concerning the general conditions of labour hitherto adopted by the Conference.

They do not of course exhaust the matter: there are a number of other questions which do not arise under ordinary industrial conditions and which have led to considerable difficulties. One in particular may be cited because of its gravity at the present moment in certain areas: it is that of the existence of restrictions, based upon color or race, which prevent native workers from being employed in skilled labour even though they may be qualified workers.

The Office suggests that this question, which affects a limited number of areas but which may, if it becomes more general, become of international importance, should be the object for the time being of careful study and that a memorandum on the matter should be submitted to the Governing Body at an early date.

With regard to more general questions such as those dealt with so far by the Conference, it will be recalled that under Article 421 of the Treaty of Versailles [in respect to labor conventions], states which have ratified Conventions undertake to apply them "to their colonies, protectorates and possessions which are not fully self-governing.

(1) Except where owing to the local conditions the Convention is inapplicable, or

(2) Subject to such modifications as may be necessary to adapt the Convention to local conditions."

The information so far received by the Office in regard to the working of this article seems to point to the fact that, in general, the Conventions adopted by the Conference are considered inapplicable to the special conditions of native labour. Yet problems of the same nature as those found in industrially developed countries arise here also, and have to be met by local legislation. Examination of existing legislation shows that such questions as the regulation of hours, wages, the age of admission, the provision of maternity benefits, medical attention and compensation for injury, sickness or death have been the concern of the authorities in certain areas, but that great differences exist in the stages of industrial protection reached.

In general, it may be stated that the degree of protection afforded to the native worker is relatively considered lower than that secured by the workers of industrial countries, and that much abuse and resultant evil and unrest are reported from many quarters.

The differences in legislative protection, too, have the results which have been noticed in more highly industrialized countries; a low stage of protection in one area has repercussions on conditions in others, and it would also appear that they lead at times to special problems of migration and depopulation which threaten to become exceedingly troublesome.

The International Labor Conference at its session on June 5, 1926, adopted the following resolution:—

The Conference welcomes the decision reached by the Governing Body to undertake an inquiry into conditions of native labour, and expresses the hope that, as a result of the labours of the Committee of Experts which it is proposed to establish, it may be possible to present a preliminary report on the matter to the Conference of 1927.

The Committee appointed by the International Labor Organization held its first session in Geneva, from July 7 to 12, 1927. Its membership includes the following named persons:—

General Freire d'Andrade (Portugal), formerly Governor-General of Mozambique, ex-Minister of Foreign Affairs, Member of the Permanent Mandates Commission, Member of the Temporary Slavery Commission; Sir Selwyn Fremantle, C. S. I., C. I. E. (India); Mr. Albrecht Gohr

(Belgium), Secretary-General of the Ministry of the Colonies, Chairman of the Temporary Slavery Commission; Mr. Nobubumi Ito (Japan), Deputy-Director of the Japanese Bureau for the League of Nations at Paris; Mr. H. R. Joynt (Malaysia); Mr. Camille Lejeune (France), Director of the Nossi-Be Company, Madagascar; the Right Hon. Sir Frederick Lugard, G. C. M. G., C. B., D. S. O. (Great Britain), formerly Governor-General of Nigeria, Member of the Permanent Mandates Commission, Member of the Temporary Slavery Commission; Mr. Martial Merlin (France), Honorary Governor-General of the Colonies, formerly Governor-General of the Congo, and of Indo-China, Member of the Permanent Mandates Commission; Commandant G. Ostini (Italy), Chief of the Colonial Schools Office, Director-General for Italians Abroad, Ministry of Foreign Affairs; Freiherr von Rechenberg (Germany), Wirklicher Geheimer Rath, formerly Governor-General of German East Africa; Mr. van Rees (Netherlands), formerly Vice-President of the Council of the East Indies, Secretary-General of the Netherlands Colonial Institute, Vice-President of the Permanent Mandates Commission, Member of the Temporary Slavery Commission; Mr. Pedro Saura del Pan (Spain), Consul at Oran; Mr. H. M. Taberer (Union of South Africa), chief Native Labor Adviser to the Transvaal Chamber of Mines.

All the members, with the exception of Mr. H. R. Joynt and Commandant Ostini, who communicated their regrets at not being able to attend, were present at this Session.

At its meeting in September, 1927, the Governing Body added Mr. J. P. Chamberlain, Professor of Public Law and Director of the Legislative Drafting and Research Fund of Columbia University, New York City, to the membership of the Committee.

The Committee at its meeting in July elected Mr. Albrecht Gohr as its Chairman.

The members of the Committee had previously expressed their agreement with the Office on the desirability of studying the two questions of forced labor and long-term contracts with a view to an international regulation, and had indicated that the study of forced labor appeared to demand greater urgency by reason of the abuses which may result from it and of the fact that if these abuses are allowed to continue, conditions analogous to slavery would be the outcome in certain territories. The Office had prepared a draft report on Forced Labor, and it was this report that the Committee was called on to consider at its first session.

The discussion of Chapter VII of the Report, in which the Office has attempted to collect and classify the principles underlying the regulations of forced labor, occupied almost the whole time of the Committee. The Committee admitted that while the regulation of forced labor was intended to prevent abuses arising under this system, the real aim was to hasten

the disappearance of forced labor in all its forms. Recourse to forced labor should only be had in certain precise conditions which were determined by the Committee. The Committee then drew up the following principles to be applied in the employment of forced labor, where persons be subjected to it; forced labor should always be remunerated except in cases of *force majeure* or local work in the villages; the normal working hours should not exceed 8 hours per day or 48 hours per week; Administrations should take all the necessary measures to assure the acclimatization of workers removed from their usual conditions of life and they should consider themselves responsible for the maintenance of workers, victims of accidents or illness due to the conditions of their employment.

Undoubtedly the most important decision, adopted by a majority of votes, was that which stipulated that the duration of forced labor for an individual should not exceed 60 days per annum except in cases where the natives were obliged to go long distances in order to carry out the work, when the duration could be as long as six months.

As regards compulsory cultivation of the land the Committee considered that the only form of compulsion which could be authorized was the cultivation of the land in order to prevent famine or a dearth of foodstuffs. The Commission was unanimous in deciding that no Administration should authorize forced labor for the benefit of private persons or societies and that where forced labor of this kind existed every effort should be used to put an end to it as soon as possible.

It was understood that in approving these principles the Committee did not necessarily mean to imply that all of them were suitable for insertion in any future International Convention which might be adopted on the subject of forced labor.

In addition three resolutions were adopted by the Committee. The first proposed by Mr. van Rees was as follows:

In view of the continually increasing importance of the question of the conditions of labour in extra-European areas where industrial development is still at a low stage:

And in view of the undoubted utility of the widest possible dissemination of reliable information concerning the measures taken by the various Administrations to safeguard the well-being of the populations under their charge:

The Committee of Experts on Native Labour urges the International Labour Office to consider by what means it may be possible to secure the publication of complete information on questions affecting labour conditions in such areas.

The second resolution, proposed by Sir Frederick Lugard, was conceived in the following terms:

This Committee considers the question of the regulation of forced labour to be one of urgent importance for the safeguarding of the

conditions of certain populations, and considers that it should be examined by the International Labour Conference at an early date.

It requests the Director of the International Labour Office to communicate this resolution to the Governing Body, which, under Article 400 of the Treaty of Peace of Versailles, determines the agenda for meetings of the Conference.

The Third resolution, proposed by Mr. Taberer, ran as follows:

That, in the opinion of this Committee, all forced labour should cease at the earliest possible moment, and the Committee therefore recommends that it should be the aim of all Administrations to hasten the time when forced labour of any nature shall cease to be imposed.

The Report prepared by the Office will be submitted in an amended form resulting from the various suggestions of experts to a future meeting of the Governing Body. The attention of the latter will at the same time be drawn to the resolution which recommends the insertion of the question of the regulation of native labor conditions on the agenda of a future Session of the Conference.

APPENDIX II. SLAVERY AND PEONAGE LEGISLATION IN THE PHILIPPINES

In its terms the 13th Amendment which applies to the United States or any place subject to their jurisdiction applies to the Philippine Islands. It has been applied in the territory of Alaska.² Professor Willoughby believes that the Amendment applies to the incorporated as well as to the unincorporated territories;³ Judge Malcolm of the Supreme Court of the Philippine Islands entertains the same view.⁴

Legislation for the Philippine Islands has from the beginning of the American occupation incorporated the provisions of the 13th Amendment as part of the fundamental law of the territory. In the President's instructions to the Philippine Commission, he ordained "that neither slavery nor involuntary servitude shall exist except as a punishment for crime," the Philippine Act, July 1, 1902, section 5, paragraph 12, provides "that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said Islands;" and this revision was re-enacted in the Jones Act granting autonomy.⁵ The Jones Act also provides (Sec. 28, last proviso) that it shall be unlawful for any person, company or corporation receiving any grant, franchise, or concession from the Government of the Islands, to use, employ or contract for the labor of persons held in involuntary servi-

² *In re Sah Quah*, 31 Fed. 39.

³ Willoughby on the Constitution, Vol. I, p. 442.

⁴ Malcolm, *Philippine Constitutional Law* (2nd ed. 1926) p. 213, 432. *Rubi v. Provincial Board of Mindoro* (1919), 39 Phil. Rep. 660, p. 707.

⁵ (1916) 31 Stat. 545.

tude, and makes the penalty for a violation of the provision the forfeiture of all charters, grants, or franchises for doing business in the Islands and a fine of not more than \$10,000.

The pertinent legislation of the Islands concerning contracts of hire is found in the Civil Code, Title II, Art. 1255, Title VI, Ch. III, Art. 1583, 1584, and 1585, Art. 1255. It provides that contracting parties may establish any agreements, terms, and conditions they may deem advisable *provided they are not contrary to law, morals, or public order*, and Art. 1583 makes a hiring for life void. An agreement to work out a debt is therefore unenforceable.⁶ Act. No. 2098 (1912) of the Philippine Legislature provides that "Any person who with intent to injure or defraud his employer, enters into a contract for the performance of any act of personal service, and thereby obtains money or other personal property from such employer as a gratuity or advance on wages to be earned under such contract of employment and without just cause, and without refunding such money or paying for such property, refuses or fails to perform such act of service, shall on conviction thereof be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties." This statute as it stands may be a method of enforcing peonage in the Islands. Everything depends on its administration by the executive arm and by the courts, especially the lower courts. If the rule as laid down by the Supreme Court of the Philippines is strictly followed by the lower courts, there will be no danger from this source. That court applying Act No. 2098, has decided that the intent to defraud must be proven by the prosecutor,⁷ and in another case set aside a conviction in a municipal court on the ground that satisfactory evidence of criminal intent was not offered.⁸

In another connection it has condemned peonage, declaring that imprisonment for debts is contrary to the organic law of the Archipelago so that a statute authorizing it would be unenforceable.⁹

By Act 2300 (1913) the Philippine Legislature adopted with necessary modifications, Sections 269, 270, and 271 of the United States Criminal Code. These sections punish as crimes slavery, involuntary servitude, and peonage. Peonage is not defined in the law, but the definition given by the United States Supreme Court of the corresponding federal statute, would probably apply: "Peonage is a term descriptive of a condition that has existed in Spanish America and especially in Mexico. The essence of the thing is compulsory service in payment of a debt. A peon is one who is compelled to work for his creditor until the debt is paid."¹⁰

⁶ De los Reyes v. Alojado, 16 Phil. 499.

⁷ Ramores v. De Arozco, 34 Phil. Rep. 412.

⁸ U. S. v. Beltran, 41 Phil. Rep. 922. See *People v. Espino*, 47 Phil. Rep. 977, on proof of intent.

⁹ Ganaway v. Quillen, 42 Phil. Rep. 803. See also *Freeman v. U. S.*, 40 Phil. Rep. 1039.

¹⁰ *Bailey v. Alabama*, 219 U. S. 219, p. 241.

This statute the Commission extended to the territories not under the jurisdiction of the Legislature by Act 2399. This statute emphasizes the importance of sympathetic administration by the Court if it is to have effect. It provides a maximum but no minimum penalty so that offenders can be convicted but escape with a nominal punishment.

Judge Malcolm says that the prohibition against slavery and the Peonage Act do not apply to the ordinary case of restraint of personal liberty such as the obligation of a child to its parents, or of any apprentice to his master, nor is the prohibition violated by the compulsory requirement of labor upon the public highways, to be found in the Philippine law.¹¹ Confinement of non-Christians in reservations by the government in order to promote the education and welfare of the natives has been held not to constitute involuntary servitude.¹²

APPENDIX III. REPLY OF THE UNITED STATES GOVERNMENT TO THE INVITATION TO COMMENT ON THE DRAFT CONVENTION ON SLAVERY, ADOPTED BY THE ASSEMBLY OF THE LEAGUE OF NATIONS IN SEPTEMBER, 1925

The reply of the United States Government to the invitation to comment on the Draft Convention on Slavery, adopted by the Assembly of the League of Nations in September, 1925, was as follows:

The Secretary of State of the United States of America received, with appreciation, the communication of the Secretary-General of the League of Nations, dated October 12, 1925, enclosing a Draft Convention on the Question of Slavery and requesting that the United States furnish any observations it might care to make on the provisions of the draft. While the Secretary of State is not in a position at this time to make any detailed contribution to a study of this subject, he is pleased to inform the Secretary-General that slavery and the slave trade are prohibited under the fundamental laws of the United States and by the laws and statutes in force in its several possessions. The Government of the United States is, furthermore, in accord with its traditional policy, deeply interested in any movement which looks towards the abolishment of all forms of involuntary servitude.

APPENDIX IV. PROHIBITION OF SLAVE TRADE AND FORCED LABOR IN COUNTRIES HOLDING THE MANDATES UNDER THE LEAGUE OF NATIONS

The countries holding mandates under Article 22 of the Covenant of the League of Nations are bound to prohibit slave trade and forced labor.

¹¹ See Malcolm, *Philippine Constitutional Law*, p. 436.

¹² *Rubi v. Provincial Board of Mindora*, *supra*.

The provisions in various mandates are generally identical and expressed in the language of Article 5 of the Mandates given to Great Britain for the former German East Africa.

The Mandatory:

1. Shall provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;
2. Shall suppress all forms of slave trade;
3. Shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;
4. Shall protect the natives from abuse and measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;
5. Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

APPENDIX V. GENERAL ACT FOR THE REPRESSION OF AFRICAN SLAVE TRADE

Signed July 2, 1890; ratification advised by the Senate January 11, 1892; ratified by the President January 19, 1892; ratification deposited with Belgian Government February 2, 1892; proclaimed April 2, 1892.

(The original of this treaty is in the French language and the text here given is from the translation submitted to the Senate and attached to the proclamation.)

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[Translation.]

IN THE NAME OF GOD ALMIGHTY.

The President of the United States of America;
 His Majesty the German Emperor, King of Prussia, in the name of the German Empire;
 His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary;
 His Majesty the King of the Belgians;
 His Majesty the King of Denmark;
 His Majesty the King of Spain, and in His Name Her Majesty the Queen Regent of the Kingdom;
 His Majesty the Sovereign of the Independent State of the Congo;
 The President of the French Republic;
 Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India;
 His Majesty the King of Italy;
 His Majesty the King of the Netherlands, Grand Duke of Luxemburg;
 His Majesty the Shah of Persia;
 His Majesty the King of Portugal and the Algarves, &c.;

His Majesty the Emperor of all the Russias;
 His Majesty the King of Sweden and Norway, &c.;
 His Majesty the Emperor of the Ottomans; and
 His Highness the Sultan of Zanzibar;

Being equally actuated by the firm intention of putting an end to the crimes and devastations engendered by the traffic in African slaves, of efficiently protecting the aboriginal population of Africa, and of securing for that vast continent the benefits of peace and civilization;

Wishing to give fresh sanction to the decisions already adopted in the same sense and at different times by the powers, to complete the results secured by them, and to draw up a body of measures guaranteeing the accomplishment of the work which is the object of their common solicitude;

Have resolved, in pursuance of the invitation addressed to them by the Government of His Majesty the King of the Belgians, in agreement with the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, to convene for this purpose a conference at Brussels, and have named as their plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

Mr. Edwin H. Terrell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians, and

Mr. Henry Shelton Sanford;

HIS MAJESTY THE EMPEROR OF GERMANY, KING OF PRUSSIA, IN THE NAME OF THE GERMAN EMPIRE,

Frederic John, Count of Alvensleben, His Chamberlain and Actual Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. William Goehring, His Privy Councillor of Legation, Consul-General of the German Empire at Amsterdam;

HIS MAJESTY THE EMPEROR OF AUSTRIA, KING OF BOHEMIA AND APOSTOLIC KING OF HUNGARY,

Rodolphe Count Khevenhüller-Metsch, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

HIS MAJESTY THE KING OF THE BELGIANS,

Auguste Baron Lambermont, His Minister of State, His Envoy Extraordinary and Minister Plenipotentiary, and

M. Emile Banning, Director-General in the Department of Foreign Affairs of Belgium;

HIS MAJESTY THE KING OF DENMARK,

Mr. Frederic-George Schack de Brockdorff, Consul-General of Denmark, at Antwerp;

HIS MAJESTY THE KING OF SPAIN, and IN HIS NAME HER MAJESTY THE QUEEN REGENT OF THE KINGDOM,

Don José Gutierrez de Agüera, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

HIS MAJESTY THE SOVEREIGN-KING OF THE INDEPENDENT STATE OF THE CONGO,

Mr. Edmund Van Eetvelde, Administrator-General of the Department of Foreign Affairs of the Independent State of the Congo and

Mr. Auguste Van Maldeghem, Councillor in the Belgian Court of Cassation;

THE PRESIDENT OF THE FRENCH REPUBLIC,

M. Albert Bourée, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians, and

M. George Cogordan, Minister Plenipotentiary, Director of the Office of the Minister of Foreign Affairs of France;

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, EMPRESS OF INDIA,

Lord Vivian, Peer of the United Kingdom, Her Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Sir John Kirk;

HIS MAJESTY THE KING OF ITALY,

Francis de Renzis, Baron of Montanaro, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. Thomas Catalani, His Envoy Extraordinary and Minister Plenipotentiary;

HIS MAJESTY THE KING OF THE NETHERLANDS, GRAND DUKE OF LUXEMBURG,

Louis Baron Gericke de Herwynen, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA,

General Nazare Aga, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

HIS MAJESTY THE KING OF PORTUGAL AND OF THE ALGARVES,

Mr. Henrique de Macedo Pereira Coutinho, Member of His Council, Peer of the Kingdom, Minister and Honorary Secretary of State, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS,

Leon Prince Ouroussoff, Master of His Court, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. Frederic de Martens, His Actual Councillor of State, Permanent Member of the Council of Foreign Affairs of Russia;

HIS MAJESTY THE KING OF SWEDEN AND NORWAY,

Mr. Charles de Burenstam, His Chamberlain, His Minister Plenipotentiary near His Majesty the King of the Belgians and near His Majesty the King of the Netherlands,

HIS MAJESTY THE EMPEROR OF THE OTTOMANS,

Etienne Caratheodory Efendi, High Dignitary of His Empire, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

HIS HIGHNESS THE SULTAN OF ZANZIBAR,

Sir John Kirk, and

Mr. William Göehring;

WHO, being furnished with full powers, which have been found to be in good and due form, have adopted the following provisions:

CHAPTER I. SLAVE TRADE COUNTRIES.—MEASURES TO BE TAKEN IN THE PLACES OF ORIGIN

Article I

The powers declare that the most effective means of counteracting the slave trade in the interior of Africa are the following:

1. Progressive organization of the administrative, judicial, religious, and military services in the African territories placed under the sovereignty or protectorate of civilized nations.

2. The gradual establishment in the interior, by the powers to which the territories are subject, of strongly occupied stations, in such a way as to make their protective or repressive action effectively felt in the territories devastated by slave hunting.

3. The construction of roads, and in particular of railways, connecting the advanced stations with the coast, and permitting easy access to the inland waters, and to such of the upper courses of the rivers and streams as are broken by rapids and cataracts, with a view to substituting economical and rapid means of transportation for the present system of carriage by men.

4. Establishment of steamboats on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.

5. Establishment of telegraphic lines, insuring the communication of the posts and stations with the coast and with the administrative centers.

6. Organization of expeditions and flying columns, to keep up the communication of the stations with each other and with the coast to support repressive action, and to insure the security of high roads.

7. Restriction of the importation of firearms, at least of those of modern pattern, and of ammunition throughout the entire extent of the territory in which the slave trade is carried on.

Article II

The stations, the inland cruisers organized by each power in its waters, and the posts which serve as ports of register for them shall, independently of their principal task, which is to prevent the capture of slaves and intercept the routes of the slave trade, have the following subsidiary duties:

1. To support and, if necessary, to serve as a refuge for the native population, whether placed under the sovereignty or the protectorate of the State to which the station is subject, or independent, and temporarily for all other natives in case of imminent danger; to place the population of the first of these categories in a position to cooperate for their own defense; to diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism, and human sacrifices.

2. To give aid and protection to commercial enterprises; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centers of cultivation and of commercial settlements.

3. To protect, without distinction of creed, the missions which are already or that may hereafter be established.

4. To provide for the sanitary service and to extend hospitality and help to explorers and to all who take part in Africa in the work of repressing the slave trade.

Article III

The powers exercising a sovereignty or a protectorate in Africa confirm and give precision to their former declarations, and engage to proceed gradually, as circumstances may permit, either by the means above indicated, or by any other means that they may consider suitable, with the repression of the slave trade, each State in its respective possessions and under its own direction. Whenever they consider it possible, they shall lend their good offices to such powers as, with a purely humanitarian object, may be engaged in Africa in the fulfillment of a similar mission.

Article IV

The States exercising sovereign powers or protectorates in Africa may in all cases delegate to companies provided with charters all or a portion of the engagements which they assume in virtue of Article III. They remain,

nevertheless, directly responsible for the engagements which they contract by the present act, and guarantee the execution thereof. The powers promise to encourage, aid, and protect such national associations and enterprises due to private initiative as may wish to cooperate in their possessions in the repression of the slave trade, subject to their receiving previous authorization, such authorization being revokable at any time, subject also to their being directed and controlled, and to the exclusion of the exercise of rights of sovereignty.

Article V

The contracting powers pledge themselves, unless this has already been provided for by laws in accordance with the spirit of the present article, to enact or propose to their respective legislative bodies, in the course of one year at the latest from the date of the signing of the present general act, a law rendering applicable, on the one hand, the provisions of their penal laws concerning grave offenses against the person, to the organizers and abettors of slave hunting, to those guilty of mutilating male adults and children, and to all persons taking part in the capture of slaves by violence; and, on the other hand, the provisions relating to offenses against individual liberty, to carriers and transporters of, and to dealers in, slaves.

The accessories and accomplices of the different categories of slave captors and dealers above specified shall be punished with penalties proportionate to those incurred by the principals.

Guilty persons who may have escaped from the jurisdiction of the authorities of the country where the crimes or offenses have been committed shall be arrested either on communication of the incriminating evidence by the authorities who have ascertained the violation of the law, or on production of any other proof of guilt by the power in whose territory they may have been discovered, and shall be kept, without other formality, at the disposal of the tribunals competent to try them.

The powers shall communicate to one another, with the least possible delay, the laws or decrees existing or promulgated in execution of the present article.

Article VI

Slaves liberated in consequence of the stoppage of dispersion of a convoy in the interior of the continent, shall be sent back, if circumstances permit, to their country of origin; if not, the local authorities shall facilitate, as much as possible, their means of living, and if they desire it, help them to settle on the spot.

Article VII

Any fugitive slave claiming, on the continent, the protection of the signatory powers, shall receive it, and shall be received in the camps and

stations officially established by said powers, or on board of the vessels of the State plying on the lakes and rivers. Private stations and boats are only permitted to exercise the right of asylum subject to the previous consent of the State.

Article VIII

The experience of all nations that have intercourse with Africa having shown the pernicious and preponderating part played by firearms in operations connected with the slave trade as well as internal wars between the native tribes; and this same experience having clearly proved that the preservation of the African population whose existence it is the express wish of the powers to protect, is a radical impossibility, if measures restricting the trade in firearms and ammunition are not adopted, the powers decide, so far as the present state of their frontiers permits, that the importation of firearms, and especially of rifles and improved weapons, as well as of powder, ball and cartridges, is, except in the cases and under the conditions provided for in the following Article, prohibited in the territories comprised between the 20th parallel of North latitude and the 22d parallel of South latitude, and extending westward to the Atlantic Ocean and eastward to the Indian Ocean and its dependencies, including the islands adjacent to the coast within 100 nautical miles from the shore.

Article IX

The introduction of firearms and ammunition, when there shall be occasion to authorize it in the possessions of the signatory powers that exercise rights of sovereignty or of protectorate in Africa, shall be regulated, unless identical or stricter regulations have already been enforced, in the following manner in the zone defined in Article VIII:

All imported firearms shall be deposited, at the cost, risk, and peril of the importers, in a public warehouse under the supervision of the State government. No withdrawal of firearms or imported ammunition shall take place from such warehouses without the previous authorization of the said government. This authorization shall, except in the cases hereinafter specified, be refused for the withdrawal of all arms for accurate firing, such as rifles, magazine guns, or breech-loaders, whether whole or in detached pieces, their cartridges, caps, or other ammunition intended for them.

In seaports and under conditions affording the needful guarantees, the respective governments may permit private warehouses but only for ordinary powder and for flint-lock muskets, and to the exclusion of improved arms and ammunition therefor.

Independently of the measures directly taken by governments for the arming of the public force and the organization of their defense, individual

exceptions may be allowed in the case of persons furnishing sufficient guarantees that the weapon and ammunition delivered to them shall not be given, assigned, or sold to third parties, and for travelers provided with a declaration of their government stating that the weapon and ammunition are intended for their personal defense exclusively.

All arms, in the cases provided for in the preceding paragraph, shall be registered and marked by the supervising authorities, who shall deliver to the persons in question permits to bear arms, stating the name of the bearer and showing the stamp with which the weapon is marked. These permits shall be revocable in case proof is furnished that they have been improperly used, and shall be issued for five years only, but may be renewed.

The above rule as to warehousing shall also apply to gunpowder.

Only flint-lock guns, with unrifled barrels, and common gunpowder known as trade powder, may be withdrawn from the warehouses for sale. At each withdrawal of arms and ammunition of this kind for sale, the local authorities shall determine the regions in which such arms and ammunition may be sold. The regions in which the slave trade is carried on shall always be excluded. Persons authorized to take arms or powder out of the public warehouses, shall present to the State government, every six months, detailed lists indicating the destinations of the arms and powder sold, as well as the quantities still remaining in the warehouses.

Article X

The governments shall take all such measures as they may deem necessary to insure as complete a fulfillment as possible of the provisions respecting the importation, sale, and transportation of firearms and ammunition, as well as to prevent either the entry or exit thereof via their inland frontiers, or the passage thereof to regions where the slave trade is rife.

The authorization of transit within the limits of the zone specified in Article VIII shall not be withheld when the arms and ammunition are to pass across the territory of the signatory or adherent power occupying the coast, towards inland territories under the sovereignty or protectorate of another signatory or adherent power, unless this latter power have direct access to the sea through its own territory. If this access be wholly interrupted, the authorization of transit cannot be withheld. Any application for transit must be accompanied by a declaration emanating from the government of the power having the inland possessions, and certifying that the said arms and ammunition are not intended for sale, but are for the use of the authorities of such power, or of the military forces necessary for the protection of the missionary or commercial stations, or of persons mentioned by name in the declaration. Nevertheless, the territorial power of the coast retains the right to stop, exceptionally and provisionally, the transit of improved arms and ammunition across its terri-

tory, if, in consequence of inland disturbances or other serious danger, there is ground for fearing lest the despatch of arms and ammunition may compromise its own safety.

Article XI

The powers shall communicate to one another information relating to the traffic in firearms and ammunition, the permits granted, and the measures of repression in force in their respective territories.

Article XII

The powers engage to adopt or to propose to their respective legislative bodies the measures necessary everywhere to secure the punishment of infringers of the prohibitions contained in Articles VIII and IX, and that of their accomplices, besides the seizure and confiscation of the prohibited arms and ammunition, either by fine or imprisonment, or by both of these penalties, in proportion to the importance of the infraction and in accordance with the gravity of each case.

Article XIII

The signatory powers that have possessions in Africa in contact with the zone specified in Article VIII, bind themselves to take the necessary measures for preventing the introduction of firearms and ammunition across their inland frontiers into the regions of said zone, at least that of improved arms and cartridges.

Article XIV

The system stipulated in Articles VIII and XIII, shall remain in force for twelve years. In case none of the contracting parties shall have given notice twelve months before the expiration of this period, of its intention to put an end to it, or shall have demanded its revision, it shall remain obligatory for two years longer, and shall thus continue in force from two years to two years.

CHAPTER II. CARAVAN ROUTES AND TRANSPORTATION OF SLAVES BY LAND

Article XV

Independently of the repressive or protective action which they exercise in the centers of the slave trade, it shall be the duty of the stations, cruisers, and posts, whose establishment is provided for in Article II, and of all other stations established or recognized by Article IV, by each government in its possessions, to watch, so far as circumstances shall permit, and in pro-

portion to the progress of their administrative organization, the roads traveled in their territory by slave dealers, to stop convoys on their march, or to pursue them wherever their action can be legally exercised.

Article XVI

In the regions of the coasts known to serve habitually as places of passage or terminal points for slave traffic coming from the interior, as well as at the points of intersection of the principal caravan routes crossing the zone contiguous to the coast already subject to the control of the sovereign or protective powers, posts shall be established under the conditions and with the reservations mentioned in Article III, by the authorities to which the territories are subject, for the purpose of intercepting the convoys and liberating the slaves.

Article XVII

A strict watch shall be organized by the local authorities at the ports and places near the coast, with a view to preventing the sale and shipment of slaves brought from the interior, as well as the formation and departure landwards of bands of slave hunters and dealers.

Caravans arriving at the coast or in its vicinity, as well as those arriving in the interior at a locality occupied by the territorial power, shall, on their arrival, be subjected to a minute inspection as to the persons composing them. Any such person being ascertained to have been captured or carried off by force, or mutilated, either in his native place or on the way, shall be set free.

Article XVIII

In the possessions of each of the contracting powers, it shall be the duty of the government to protect liberated slaves, to return them, if possible, to their country, to procure means of subsistence for them and, in particular, to take charge of the education and subsequent employment of abandoned children.

Article XIX

The penal arrangements provided for by Article V shall be applicable to all offenses committed in the course of operations connected with the transportation of and traffic in slaves on land whenever such offenses may be ascertained to have been committed.

Any person having incurred a penalty in consequence of an offense provided for by the present general act, shall incur the obligation of furnishing security before being able to engage in any commercial transaction in countries where the slave trade is carried on.

CHAPTER III. REPRESSION OF THE SLAVE TRADE BY SEA

SECTION I. GENERAL PROVISIONS

Article XX

The signatory powers recognize the desirability of taking steps in common for the more effective repression of the slave trade in the maritime zone in which it still exists.

Article XXI

This zone extends, on the one hand, between the coasts of the Indian Ocean (those of the Persian Gulf and of the Red Sea included), from Beloochistan to Cape Tangalane (Quilimane); and, on the other hand, a conventional line which first follows the meridian from Tangalane till it intersects the 26th degree of South latitude; it is then merged in this parallel, then passes round the Island of Madagascar by the east, keeping 20 miles off the east and north shore, till it intersects the meridian at Cape Ambre. From this point the limit of the zone is determined by an oblique line, which extends to the coast of Beloochistan, passing 20 miles off Cape Ras-el-Had.

Article XXII

The signatory powers of the present general act,—among whom exist special conventions for the suppression of the slave trade, have agreed to restrict the clauses of those conventions concerning the reciprocal right of visit, of search, and of seizure of vessels at sea, to the above-mentioned zone.

Article XXIII

The same powers also agree to limit the above-mentioned right to vessels whose tonnage is less than 500 tons. This stipulation shall be revised as soon as experience shall have shown the necessity thereof.

Article XXIV

All other provisions of the conventions concluded for the suppression of the slave trade between the aforesaid powers shall remain in force provided they are not modified by the present general act.

Article XXV

The signatory powers engage to adopt efficient measures to prevent the unlawful use of their flag, and to prevent the transportation of slaves on vessels authorized to fly their colors.

Article XXVI

The signatory powers engage to adopt all measures necessary to facilitate the speedy exchange of information calculated to lead to the discovery of persons taking part in operations connected with the slave trade.

Article XXVII

At least one international bureau shall be created; it shall be established at Zanzibar. The high contracting parties engage to forward to it all the documents specified in Article XLI, as well as all information of any kind likely to assist in the suppression of the slave trade.

Article XXVIII

Any slave who has taken refuge on board a ship of war bearing the flag of one of the signatory powers, shall be immediately and definitively set free. Such freedom, however, shall not withdraw him from the competent jurisdiction if he has been guilty of any crime or offense at common law.

Article XXIX

Any slave detained against his will on board of a native vessel shall have the right to demand his liberty. His release may be ordered by any agent of any of the signatory powers on whom the present general act confers the right of ascertaining the status of persons on board of such vessels, although such release shall not withdraw him from the competent jurisdiction if he has committed any crime or offense at common law.

SECTION II. REGULATION CONCERNING THE USE OF THE FLAG AND SUPERVISION BY CRUISERS

I. Rules for Granting the Flag to Native Vessels, and as to Crew Lists and Manifests of Black Passengers on Board

Article XXX

The signatory powers engage to exercise a strict surveillance over native vessels authorized to carry their flag in the zone mentioned in Article XXI, and over the commercial operations carried on by such vessels.

Article XXXI

The term "native vessel" applies to vessels fulfilling one of the following conditions:

1. It shall present the outward appearance of native build or rigging.
2. It shall be manned by a crew of whom the captain and a majority of

the seamen belong by origin to one of the countries on the coast of the Indian Ocean, the Red Sea, or the Persian Gulf.

Article XXXII

The authorization to carry the flag of one of the said powers shall in future be granted only to such native vessels as shall satisfy at the same time the three following conditions:

1. Fitters-out or owners of ships must be either subjects of or persons protected by the power whose flag they ask to carry.
2. They shall be obliged to prove that they possess real estate situated in the district of the authority to whom their application is addressed, or to furnish bona fide security as a guaranty of the payment of such fines as may be incurred.
3. The above-named fitters-out or owners of ships, as well as the captain of the vessel, shall prove that they enjoy a good reputation, and that in particular they have never been sentenced to punishment for acts connected with the slave trade.

Article XXXIII

This authorization granted shall be renewed every year. It may at any time be suspended or withdrawn by the authorities of the power whose colors the vessel carries.

Article XXXIV

The act of authorization shall contain the statements necessary to establish the identity of the vessel. The captain shall have the keeping thereof. The name of the native vessel and the amount of its tonnage shall be cut and painted in Latin characters on the stern, and the initial or initials of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be printed in black on the sails.

Article XXXV

A list of the crew shall be issued to the captain of the vessel at the port of departure by the authorities of the power whose colors it carries. It shall be renewed at every fresh venture of the vessel, or, at the latest, at the end of a year, and in accordance with the following provisions:

1. The vessel shall be visaed at the departure of the vessel by the authority that has issued it.
2. No negro can be engaged as a seaman on a vessel without having previously been questioned by the authority of the power whose colors it carries, or, in default thereof, by the territorial authority, with a view to ascertaining the fact of his having contracted a free engagement.

3. This authority shall see that the proportion of seamen and boys is not out of proportion to the tonnage or rigging.

4. The authority who shall have questioned the men before their departure shall enter them on the list of the crew in which they shall be mentioned with a summary description of each of them alongside his name.

5. In order the more effectively to prevent any substitution, the seamen may, moreover, be provided with a distinctive mark.

Article XXXVI

When the captain of a vessel shall desire to take negro passengers on board, he shall make his declaration to that effect to the authority of the power whose colors he carries, or in default thereof, to the territorial authority. The passengers shall be questioned, and after it has been ascertained that they embarked of their own free will, they shall be entered in a special manifest, bearing the description of each of them alongside of his name, and specially sex and height. Negro children shall not be taken as passengers unless they are accompanied by their relations, or by persons whose respectability is well known. At the departure, the passenger roll shall be visaed by the aforesaid authority after it has been called. If there are no passengers on board, this shall be specially mentioned in the crew list.

Article XXXVII

At the arrival at any port of call or of destination, the captain of the vessel shall show to the authority of the power whose flag he carries, or, in default thereof, to the territorial authority, the crew list, and, if need be, the passenger roll previously delivered. The authority shall check the passengers who have reached their destination or who are stopping in a port of call, and shall mention their landing in the roll. At the departure of the vessel, the same authority shall affix a fresh visé to the list and roll, and call the roll of the passengers.

Article XXXVIII

On the African coast and on the adjacent islands, no negro passengers shall be taken on board of a native vessel, except in localities where there is a resident authority belonging to one of the signatory powers.

Throughout the extent of the zone mentioned in Article XXI, no negro passenger shall be landed from a native vessel except at a place in which there is a resident officer belonging to one of the high contracting powers, and unless such officer is present at the landing.

Cases of *vis major* that may have caused an infraction of these provisions shall be examined by the authority of the power whose colors the vessel carries, or, in default thereof, by the territorial authority of the port at which the vessel in question calls.

Article XXXIX

The provisions of Articles XXXV, XXXVI, XXXVII, and XXXVIII are not applicable to vessels only partially decked, having a crew not exceeding ten men, and fulfilling one of the two following conditions:

1. That it be exclusively used for fishing within the territorial waters.
2. That it be occupied in the petty coasting trade between the different ports of the same territorial power, without going further than 5 miles from the coast.

These different boats shall receive, as the case may be, a special license from the territorial or consular authority, which shall be renewed every year, and subject to revocation as provided in Article XL, the uniform model of which license is annexed to the present general act and shall be communicated to the international information office.

Article XL

Any act or attempted act connected with the slave trade that can be legally shown to have been committed by the captain, fitter-out, or owner of a ship authorized to carry the flag of one of the signatory powers, or having procured the license provided for in Article XXXIX, shall entail the immediate withdrawal of the said authorization or license. All violations of the provisions of Section 2 of Chapter III shall render the person guilty thereof liable to the penalties provided by the special laws and ordinances of each of the contracting parties.

Article XLI

The signatory powers engage to deposit at the international information office the specimen forms of the following documents:

1. License to carry the flag;
2. The crew list;
3. The negro passenger list.

These documents, the tenor of which may vary according to the different regulations of each country, shall necessarily contain the following particulars, drawn up in one of the European languages:

1. As regards the authorization to carry the flag:
 - (a) The name, tonnage, rig, and the principal dimensions of the vessel;
 - (b) The register number and the signal letter of the port of registry;
 - (c) The date of obtaining the license, and the office held by the person who issued it.
2. As regards the list of the crew:
 - (a) The name of the vessel, of the captain and the fitter-out or owner;
 - (b) The tonnage of the vessel;

(c) The register number and the port of registry, its destination, as well as the particulars specified in Article XXV.

3. As regards the list of negro passengers:

The name of the vessel which conveys them, and the particulars indicated in Article XXXVI, for the proper identification of the passengers.

The signatory powers shall take the necessary measures so that the territorial authorities or their consuls may send to the same office certified copies of all authorizations to carry their flag as soon as such authorizations shall have been granted, as well as notices of the withdrawal of any such authorization.

The provisions of the present article have reference only to papers intended for native vessels.

2. The stopping of suspected vessels.

Article XLII

When the officers in command of war vessels of any of the signatory powers have reason to believe that a vessel whose tonnage is less than 500 tons, and which is found navigating in the above-named zone, is engaged in the slave trade or is guilty of the fraudulent use of a flag, they may examine the ship's papers.

The present article does not imply any change in the present state of things as regards jurisdiction in territorial waters.

Article XLIII

To this end, a boat commanded by a naval officer in uniform may be sent to board the suspected vessel after it has been hailed and informed of this intention.

The officers sent on board of the vessel which has been stopped shall act with all possible consideration and moderation.

Article XLIV

The examination of the ship's papers shall consist of the examination of the following documents:

1. As regards native vessels, the papers mentioned in Article XLI.

2. As regards other vessels, the documents required by the different treaties or conventions that are in force.

The examination of the ship's papers only authorizes the calling of the roll of the crew and passengers in the cases and in accordance with the conditions provided for in the following article.

Article XLV

The examination of the cargo or the search can only take place in the case of vessels sailing under the flag of one of the powers that have con-

cluded, or may hereafter conclude the special conventions provided for in Article XXII, and in accordance with the provisions of such conventions.

Article XLVI

Before leaving the detained vessel, the officer shall draw up a minute according to the forms and in the language in use in the country to which he belongs.

This minute shall be dated and signed by the officer, and shall recite the facts.

The captain of the detained vessel, as well as the witnesses, shall have the right to cause to be added to the minutes any explanations they may think expedient.

Article XLVII

The commander of a man-of-war who has detained a vessel under a foreign flag shall, in all cases, make a report thereof to his own government, and state the grounds upon which he has acted.

Article XLVIII

A summary of this report, as well as a copy of the minute drawn up by the officer on board of the detained vessel, shall be sent, as soon as possible, to the international information office, which shall communicate the same to the nearest consular or territorial authority of the power whose flag the vessel in question has shown. Duplicates of these documents shall be kept in the archives of the bureau.

Article XLIX

If, in performing the acts of supervision mentioned in the preceding articles, the officer in command of the cruiser is convinced that an act connected with the slave trade has been committed on board during the passage, or that irrefutable proofs exist against the captain, or fitter-out, for accusing him of fraudulent use of the flag, or fraud, or participation in the slave trade, he shall conduct the arrested vessel to the nearest port of the zone where there is a competent magistrate of the power whose flag has been used.

Each signatory power engages to appoint in the zone, and to make known to the international information office, the territorial or consular authorities or special delegates who are competent in the above-mentioned cases.

A suspected vessel may also be turned over to a cruiser of its own nation, if the latter consents to take charge of it.

3. Of the examination and trial of vessels seized.

Article L

The magistrate referred to in the preceding article, to whom the arrested vessel has been turned over, shall proceed to make a full investigation, according to the laws and rules of his country, in the presence of an officer belonging to the foreign cruiser.

Article LI

If it is proved by the inquiry that the flag has been fraudulently used, the arrested vessel shall remain at the disposal of its captor.

Article LII

If the examination shows an act connected with the slave trade, proved by the presence on board of slaves destined for sale, or any other offense connected with the slave trade for which provision is made by special convention, the vessel and cargo shall remain sequestered in charge of the magistrate who shall have conducted the inquiry.

The captain and crew shall be turned over to the tribunals designated by Articles LIV and LVI. The slaves shall be set at liberty as soon as judgment has been pronounced.

In the cases provided for by this article, liberated slaves shall be disposed of in accordance with the special conventions concluded, or to be concluded, between the signatory powers. In default of such conventions, the said slaves shall be turned over to the local authority, to be sent back, if possible, to their country of origin; if not, this authority shall facilitate to them, in so far as may be in its power, the means of livelihood, and, if they desire it, of settling on the spot.

Article LIII

If it shall be proved by the inquiry that the vessel has been illegally arrested, there shall be clear title to an indemnity in proportion to the damages suffered by the vessel being taken out of its course.

The amount of this indemnity shall be fixed by the authority that has conducted the inquiry.

Article LIV

In case the officer of the capturing vessel does not accept the conclusions of the inquiry held in his presence, the matter shall be turned over to the tribunal of the nation whose flag the captured vessel has borne.

No exception shall be made to this rule, unless the disagreement arises in respect of the amount of the indemnity stipulated in Article LIII, and this shall be fixed by arbitration, as specified in the following article.

Article LV

The capturing officer and the authority which has conducted the inquiry shall each appoint a referee within forty-eight hours, and the two arbitrators shall have twenty-four hours to choose an umpire. The arbitrators shall, as far as possible, be chosen from among the diplomatic, consular, or judicial officers of the signatory powers. Natives in the pay of the contracting Governments are formally excluded. The decision shall be by a majority of votes, and be considered as final.

If the court of arbitration is not constituted in the time indicated, the procedure in respect of the indemnity, as in that of damages, shall be in accordance with the provisions of Article LVIII, paragraph 2.

Article LVI

The cases shall be brought with the least possible delay before the tribunal of the nation whose flag has been used by the accused. However, the consuls or any other authority of the same nation as the accused, specially commissioned to this end, may be authorized by their Government to pronounce judgment instead of the tribunal.

Article LVII

The procedure and trial of violations of the provisions of Chapter III shall always be conducted in as summary a manner as is permitted by the laws and regulations in force in the territories subject to the authority of the signatory powers.

Article LVIII

Any decision of the national tribunal or authorities referred to in Article LVI, declaring that the seized vessel did not carry on the slave trade, shall be immediately enforced, and the vessel shall be at perfect liberty to continue on its course.

In this case, the captain or owner of any vessel that has been seized without legitimate ground of suspicion, or subjected to annoyance, shall have the right of claiming damages, the amount of which shall be fixed by agreement between the Governments directly interested, or by arbitration, and shall be paid within a period of six months from the date of the judgment acquitting the captured vessel.

Article LIX

In case of condemnation, the sequestered vessel shall be declared lawfully seized for the benefit of the captor.

The captain, crew, and all other persons found guilty shall be punished according to the gravity of the crimes or offenses committed by them, and in accordance with Article V.

Article LX

The provisions of Articles L to LIX do not in any way affect the jurisdiction or procedure of existing special tribunals, or of such as may hereafter be formed to take cognizance of offenses connected with the slave trade.

Article LXI

The high contracting parties engage to make known to one another, reciprocally, the instructions which they shall give, for the execution of the provisions of Chapter III, to the commanders of their men-of-war navigating the seas of the zone referred to.

CHAPTER IV. COUNTRIES TO WHICH SLAVES ARE SENT, WHOSE INSTITUTIONS RECOGNIZE THE EXISTENCE OF DOMESTIC SLAVERY

Article LXII

The contracting powers whose institutions recognize the existence of domestic slavery, and whose possessions, in consequence thereof, in or out of Africa, serve, in spite of the vigilance of the authorities, as places of destination for African slaves, pledge themselves to prohibit their importation, transit, and departure, as well as the trade in slaves. The most active and the strictest supervision shall be enforced at all places where the arrival, transit, and departure of African slaves take place.

Article LXIII

Slaves set free under the provisions of the preceding article shall, if circumstances permit, be sent back to the country from whence they came. In all cases they shall receive letters of liberation from the competent authorities, and shall be entitled to their protection and assistance for the purpose of obtaining means of subsistence.

Article LXIV

Any fugitive slave arriving at the frontier of any of the powers mentioned in Article LXII shall be considered free, and shall have the right to claim letters of release from the competent authorities.

Article LXV

Any sale or transaction to which the slaves referred to in Articles LXIII and LXIV may have been subjected through circumstances of any kind whatsoever, shall be considered as null and void.

Article LXVI

Native vessels carrying the flag of one of the countries mentioned in Article LXII, if there is any indication that they are employed in operations connected with the slave trade, shall be subjected by the local authorities in the ports frequented by them to a strict examination of their crews and passengers both on arrival and departure. If African slaves are found on board, judicial proceedings shall be instituted against the vessel and against all persons who may be implicated. Slaves found on board shall receive letters of release through the authorities who have seized the vessels.

Article LXVII

Penal provisions similar to those provided for by Article V shall be enacted against persons importing, transporting, and trading in African slaves, against the mutilators of male children or adults, and those who traffic in them, as well as against their associates and accomplices.

Article LXVIII

The signatory powers recognize the great importance of the law respecting the prohibition of the slave trade sanctioned by His Majesty the Emperor of the Ottomans on the 4th (16th) of December, 1889 (22 Rebi-ul-Akhir, 1307), and they are assured that an active surveillance will be organized by the Ottoman authorities, especially on the west coast of Arabia and on the routes which place that coast in communication with the other possessions of His Imperial Majesty in Asia.

Article LXIX

His Majesty the Shah of Persia consents to organize an active surveillance in the territorial waters and those off the coast of the Persian Gulf and Gulf of Oman which are under his sovereignty, and on the inland routes which serve for the transportation of slaves. The magistrates and other authorities shall, to this effect, receive the necessary powers.

Article LXX

His Highness the Sultan of Zanzibar consents to give his most effective support to the repression of crimes and offenses committed by African slave traders on land as well as at sea. The tribunals created for this purpose in the Sultanate of Zanzibar shall rigorously enforce the penal provisions mentioned in Article V. In order to render more secure the freedom of liberated slaves, both in virtue of the provisions of the present general act and of the decrees adopted in this matter by His Highness and his predecessors, a liberation office shall be established at Zanzibar.

Article LXXI

The diplomatic and consular agents and the naval officers of the contracting powers shall, within the limits of existing conventions, give their assistance to the local authorities in order to assist in repressing the slave trade where it still exists. They shall be entitled to be present at trials for slave trading brought about at their instance, without, however, being entitled, to take part in the deliberations.

Article LXXII

Liberation offices, or institutions in lieu thereof, shall be organized by the governments of the countries to which African slaves are sent, for the purposes specified by Article XVIII.

Article LXXIII

The signatory powers having undertaken to communicate to one another all information useful for the repression of the slave trade the Governments whom the present chapter concerns shall periodically exchange with the other Governments statistical data relating to slaves intercepted and liberated, and to the legislative and administrative measures which have been taken for suppressing the slave trade.

CHAPTER V. INSTITUTIONS INTENDED TO INSURE THE EXECUTION OF THE GENERAL ACT

SECTION I. OF THE INTERNATIONAL MARITIME OFFICE

Article LXXIV

In accordance with the provisions of Article XXVII, an international office shall be instituted at Zanzibar, in which each of the signatory powers may be represented by a delegate.

Article LXXV

The office shall be constituted as soon as three powers have appointed their representatives.

It shall draw up regulations fixing the manner of exercising its functions. These regulations shall immediately be submitted to the approval of such signatory powers as shall have signified their intention of being represented in this office. They shall decide in this respect within the shortest possible time.

Article LXXVI

The expenses of this institution shall be divided in equal parts among the signatory powers mentioned in the preceding article.

Article LXXVII

The object of the office at Zanzibar shall be to centralize all documents and information of a nature to facilitate the repression of the slave trade in the maritime zone. For this purpose the signatory powers engage to forward within the shortest time possible:

1. The documents specified in Article XLI;
2. Summaries of the reports and copies of the minutes referred to in Article XLVIII;
3. The list of the territorial or consular authorities and special delegates competent to take action as regards vessels seized according to the terms of Article XLIX.
4. Copies of judgments and condemnations in accordance with Article LVIII.
5. All information that may lead to the discovery of persons engaged in the slave trade in the above-mentioned zone.

Article LXXVIII

The archives of the office shall always be open to the naval officers of the signatory powers authorized to act within the limits of the zone defined by Article XXI, as well as to the territorial or judicial authorities, and to consuls specially designated by their Governments.

The office shall supply to foreign officers and agents authorized to consult its archives, translations into a European language of documents written in an oriental language.

It shall make the communications provided for in Article XLVIII.

Article LXXIX

Auxiliary offices in communication with the office at Zanzibar may be established in certain parts of the zone, in pursuance of a previous agreement between the interested powers.

They shall be composed of delegates of these powers, and established in accordance with Articles LXXV, LXXVI, and LXXVIII.

The documents and information specified in Article LXXVII, so far as they may relate to a part of the zone specially concerned, shall be sent to them directly by the territorial and consular authorities of the region in question, but this shall not exempt the latter from the duty of communicating the same to the office at Zanzibar, as provided by the same article.

Article LXXX

The office at Zanzibar shall prepare in the first two months of every year, a report of its own operations and of those of the auxiliary offices, during the past twelve months.

SECTION II. OF THE EXCHANGE BETWEEN THE GOVERNMENTS OF DOCUMENTS
AND INFORMATION RELATING TO THE SLAVE TRADE

Article LXXXI

The powers shall communicate to one another, to the fullest extent and with the least delay that they shall consider possible:

1. The text of the laws and administrative regulations, existing or enacted by application of the clauses of the present general act;
2. Statistical information concerning the slave trade, slaves arrested and liberated, and the traffic in firearms, ammunition, and alcoholic liquors.

Article LXXXII

The exchange of these documents and information shall be centralized in a special office attached to the foreign office at Brussels.

Article LXXXIII

The office at Zanzibar shall forward to it every year the report mentioned in Article LXXX, concerning its operations during the past year, and concerning those of the auxiliary offices that may have been established in accordance with Article LXXIX.

Article LXXXIV

The documents and information shall be collected and published periodically, and addressed to all the signatory powers. This publication shall be accompanied every year by an analytical table of the legislative, administrative, and statistical documents mentioned in Articles LXXXI and LXXXIII.

Article LXXXV

The office expenses as well as those incurred in correspondence, translation, and printing, shall be shared by all the signatory powers, and shall be collected through the agency of the department of the foreign office at Brussels.

SECTION III. OF THE PROTECTION OF LIBERATED SLAVES

Article LXXXVI

The signatory powers having recognized the duty of protecting liberated slaves in their respective possessions, engage to establish, if they do not already exist, in the ports of the zone determined by Article XXI, and in such parts of their said possessions as may be places for the capture, pass-

age, and arrival of African slaves, such offices and institutions as may be deemed sufficient by them, whose business shall specially consist in liberating and protecting them in accordance with the provisions of Articles VI, XVIII, LII, LXIII, and LXVI.

Article LXXXVII

The liberation offices or the authorities charged with this service shall deliver letters of release and shall keep a register thereof.

In case of the denunciation of an act connected with the slave trade, or one of illegal detention, or on application of the slaves themselves, the said offices or authorities shall exercise all necessary diligence to insure the release of the slaves and the punishment of the offenders.

The delivery of letters of release shall in no case be delayed, if the slave be accused of a crime or offense against the common law. But after the delivery of the said letters an investigation shall be proceeded with in the form established by the ordinary procedure.

Article LXXXVIII

The signatory powers shall favor, in their possessions, the foundation of establishments of refuge for women and of education for liberated children.

Article LXXXIX

Freed slaves may always apply to the offices for protection in the enjoyment of their freedom.

Whoever shall have used fraudulent or violent means to deprive a freed slave of his letters of release or of his liberty, shall be considered as a slave-dealer.

CHAPTER VI. MEASURES TO RESTRICT THE TRAFFIC IN SPIRITUOUS LIQUORS

Article XC

Being justly anxious concerning the moral and material consequences to which the abuse of spirituous liquors subjects the native population, the signatory powers have agreed to enforce the provisions of Articles XCI, XCII, and XCIII within a zone extending from the 20th degree of North latitude to the 22d degree of South latitude, and bounded on the west by the Atlantic Ocean and on the east by the Indian Ocean and its dependencies, including the islands adjacent to the mainland within 100 nautical miles from the coast.

Article XCI

In the districts of this zone where it shall be ascertained that, either on account of religious belief or from some other causes, the use of distilled liquors does not exist or has not been developed, the powers shall prohibit their importation. The manufacture of distilled liquors shall be likewise prohibited there.

Each power shall determine the limits of the zone of prohibition of alcoholic liquors in its possessions or protectorates, and shall be bound to make known the limits thereof to the other powers within the space of six months.

The above prohibition can only be suspended in the case of limited quantities intended for the consumption of the non-native population and imported under the régime and conditions determined by each Government.

Article XCII

The powers having possessions or exercising protectorates in those regions of the zone which are not subjected to the régime of the prohibition, and into which alcoholic liquors are at present either freely imported or pay an import duty of less than 15 francs per hectolitre at 50 degrees centigrade, engage to levy on such alcoholic liquors an import duty of 15 francs per hectolitre at 50 degrees centigrade, for three years after the present general act comes into force. At the expiration of this period the duty may be increased to 25 francs during a fresh period of three years. At the end of the sixth year it shall be submitted to revision, the average results produced by these tariffs being taken as a basis, for the purpose of then fixing, if possible, a minimum duty throughout the whole extent of the zone where the prohibition referred to in Article XCI is not in force.

The powers retain the right of maintaining and increasing the duties beyond the minimum fixed by the present article in the regions where they already possess that right.

Article XCIII

Distilled liquors manufactured in the regions referred to in Articles XCII, and intended for inland consumption, shall be subject to an excise duty.

This excise duty, the collection of which the powers engage to secure, as far as possible, shall not be less than the minimum import duty fixed by Article XCII.

Article XCIV

The signatory powers having possessions in Africa contiguous to the zone specified in Article XC engage to adopt the necessary measures for

preventing the introduction of spirituous liquors within the territories of the said zone via their inland frontiers.

Article XCV

The powers shall communicate to one another, through the office at Brussels, and according to the terms of Chapter V, information relating to the traffic in alcoholic liquors within their respective territories.

CHAPTER VII. FINAL PROVISIONS

Article XCVI

The present general act repeals all contrary stipulations of conventions previously concluded between the signatory powers.

Article XCVII

The signatory powers, without prejudice to the stipulations contained in Articles XIV, XXIII, and XCII, reserve the right of introducing into the present general act, hereafter and by common consent, such modifications or improvements as experience may prove to be useful.

Article XCVIII

Powers who have not signed the present general act shall be allowed to adhere to it.

The signatory powers reserve the right to impose such conditions as they may deem necessary to their adhesion.

If no conditions shall be stipulated, adhesion implies acceptance of all the obligations and admission to all the advantages stipulated by the present general act.

The powers shall agree among themselves as to the steps to be taken to secure the adhesion of states whose cooperation may be necessary or useful in order to insure complete execution of the general act.

Adhesion shall be effected by a separate act. Notice thereof shall be given through the diplomatic channel to the Government of the King of the Belgians, and by that Government to all the signatory and adherent states.

Article XCIX

The present general act shall be ratified within the shortest possible period, which shall not in any case exceed one year.

Each power shall address its ratification to the Government of the King of the Belgians, which shall give notice thereof to all the other powers that have signed the present general act.

The ratifications of all the powers shall remain deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications shall have been furnished, or at the latest one year after the signature of the present general act, their delivery shall be recorded in a protocol which shall be signed by the representatives of all the powers that have ratified.

A certified copy of this protocol shall be forwarded to all the powers interested.

Article C

The present general act shall come into force in all the possessions of the contracting powers on the sixtieth day, reckoned from the day on which the protocol provided for in the preceding article shall have been drawn up.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present general act, and have thereto affixed their seals.

Done at Brussels the 2nd day of the month of July, 1890.

[SEAL] EDWIN H. TERRELL.
 [SEAL] H. S. SANFORD.
 [SEAL] ALVENSLEBEN.
 [SEAL] GOEHRING.
 [SEAL] R. KHEVENHÜLLER.
 [SEAL] LAMBERMONT.
 [SEAL] E. BANNING.
 [SEAL] SCHACK DE BROCKDORFF.
 [SEAL] J. G. DE AGÜERA.
 [SEAL] EDM. VAN EETVELDE.
 [SEAL] A. VAN MALDEGHEM.
 [SEAL] A. BOURÉE.
 [SEAL] G. COGORDAN.
 [SEAL] VIVIAN.
 [SEAL] JOHN KIRK.
 [SEAL] F. DE RENZIS.
 [SEAL] T. CATALANI.
 [SEAL] L. GERICKE.
 [SEAL] NAZARE AGA.
 [SEAL] HENRIQUE DE MACEDO PEREIRA COUTINHO.
 [SEAL] L. OUROUSSOFF.
 [SEAL] MARTENS.
 [SEAL] BURENSTAM.
 [SEAL] ET CARATHÉODORY.
 [SEAL] JOHN KIRK.
 [SEAL] GOEHRING.

SENATE RESOLUTION OF RATIFICATION

In Executive Session, Senate of the United States,
January 11, 1892.

Resolved (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the General Act signed at Brussels, July 2, 1890, by the plenipotentiaries of the United States and other powers, for the suppression of the African slave trade, and for other purposes.

Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said General Act on the part of the French Republic, and to the stipulations relative thereto, as set forth in the protocol signed at Brussels, January 2, 1892.

Resolved further, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that Continent by the other powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expressions in the said General Act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of the ratifications of this treaty on the part of the United States.

Attest:

ANSON G. MCCOOK,
Secretary.

By CHAS. W. JOHNSON,
Chief Clerk.

LIST OF PUBLICATIONS

- International Conciliation appeared under the imprint of the American Association for International Conciliation, No. 1, April, 1907 to No. 199, June, 1924. These documents present the views of distinguished leaders of opinion of many countries on vital international problems and reproduce the texts of official treaties, diplomatic correspondence and draft plans for international projects such as the Permanent Court of International Justice. The most recent publications are listed below. A complete list will be sent upon application to International Conciliation, 405 West 117th Street, New York City.
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June, 1926.
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 233. The Genesis of the Universal Postal Union. A Study in the Beginnings of International Organization, by John F. Sly.
October, 1927.
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November, 1927.
 235. Australian Immigration Policy, by A. H. Charteris, Challis Professor of International Law, University of Sydney, New South Wales.
December, 1927.
 236. The Slavery Convention of Geneva, September 25, 1926, by A. L. Warnshuis, Joseph P. Chamberlain, and Quincy Wright. Text of the General Act for the Repression of African Slave Trade, July 2, 1890.
January, 1928.